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When,
Mr. Miller moved that the consideration of the special order be postponed 5 minutes.
Which was not agreed to.
The joint resolution was then read a third time.
After debate,
Mr. Latta moved that the joint resolution be referred to the Committee on Auditor's and Treasurer's Books with instruction to draft a bill with similar provisions to those of the joint resolution.
Mr. Kent moved as an amendment that the joint resolution be referred to the select committee appointed to report such measures as will reduce the expenses and improve the financial condition of the state; with instruction to report by bill or otherwise.
After debate,
Mr. Furbish moved as a substitute that the further consideration of the joint resolution be postponed and made special order in Committee of the Whole House for 10 o'clock and 30 minutes A. M. on the morrow.
Mr. Chapline moved the previous question.
The question being put. Shall the main question be now put?
It was decided in the negative.
So the House refused to order the main question.
After further debate,
Mr. Chapline again moved the previous question.
The question being put, Shall the main question be now put?
It was decided in the negative.
So the House refused to order the main question.
Then,
On motion of Mr. J. H. Johnson
Ordered, That the subject lie on the table.
Under a suspension of the rules for that purpose.
Mr. J. H. Murphy from the Committee on Insurance to whom was referred the bill of the House (H. N. 271) entitled An act to protect all persons in

the state of Arkansas who may now or shall hereafter be a policy holder in any fire, life, marine or general insurance company, and for other purposes., reported the same with the recommendation that the bill be referred to the select committee appointed to report such measures as will reduce the expenses and improve the financial condition of the state.

On motion of Mr. McLeigh.

The report of the committee was adopted, and the bill was accordingly referred.

Mr. Kent moved that the House resolve itself into the Committee of the Whole House for the purpose of considering the bill of the House (H. R. 197) entitled An act to supply casual deficits in the revenue of the state.

Pending which.

Mr Robinson, at 1 o'clock and 5 minutes P.M., moved that the House adjourn

Which was not agreed to.

The question then being on the motion that the House resolve itself into the Committee of the Whole House for the purpose of considering the bill of the House (H. R. 197) entitled An act to supply deficits in the revenue of the state.

It was not agreed to.

Under a suspension of the rules for that purpose.

Mr. Chapline submitted the following preamble and motion, which was read, considered and under the operation of the previous question, was agreed to, viz:—

Whereas: I am informed that the clerk has omitted to transmit to the Senate the report and testimony of the special committee which warranted the House in passing the joint resolution directing the Attorney General to file a bill to set aside the sale of the real estate bank lands purporting to be sold to E. R. Knight in Unteucleh county Arkansas

Therefore, I move you that the clerk

forthwith transmit the report and testimony so taken and made, to the Senate for their consideration upon said joint resolution.

A message from the Senate by Mes. Orrick their Secretary, viz:-

Senate Chamber March 5, 1873.

Mes. Speaker; I am instructed by the Senate to inform your honorable body of the passage by the Senate of (H. B. No 167) entitled An act for the relief of Charles B. Fitzpatrick and his securities John H. Hazard and and H. H. Wygant from effect of forfeited recognizance and for other purposes and herewith return the same.

Under a suspension of the rules for that purpose,

Mes. Fox from the Committee on the Judiciary, to whom was referred the bill of the House (H. R. 119) entitled An act to provide for the election of Justices of the peace, reported the same and recommended a substitute therefor, entitled An act to provide for the election of Justices of the peace and constables.

Mes. Sumpter moved that the report of the committee be adopted,

Mes. J. H. Johnson moved as a substitute that the report of the committee be rejected.

After discussion,

Mes. Robinson moved the previous question which was seconded and under the operation thereof the substitute motion was disagreed to,

The question then recurring on the motion that the report of the committee be adopted,

Mes. Robinson moved that that motion lie on the table,

Which was not agreed to,

Mes. Robinson, at 10 o'clock and 40 minutes P. M. moved that the House adjourn,

Which was not agreed to,

The question again recurring on the motion that the report of the committee be adopted,

Mes. Cornell moved the previous question

which was seconded. and under the operation thereof the motion was agreed to.

So the substitute was adopted in lieu of the original bill.

Ordered,

On motion of Mr Warwick,

Ordered, That the further consideration of the substitute bill, be postponed and made special order for 11 o'clock and 30 minutes A. M. of Friday. March 7. 1873.

Also, from the same committee to whom was referred the substitute for the bills of the Senate (S. 44. & 54) entitled An act for the assessment and enforcement of liens of vendors and Landlords, reported the same and recommended that the bill be not passed

Also. from the same committee to whom was referred the bill of the House (H. R. 154) entitled An act to amend the criminal laws of this state in relation to gambling, reported the same and recommended that the bill be not passed.

Mr. Copeland moved that the bill be engrossed for a third reading and be made special order for 10 o'clock and 30 minutes A. M. of Saturday, March 8, 1873.

Mr. Kilgore moved as a substitute that the rules be suspended and that the bill be read a third time, and placed upon its passage, and, also, moved the previous question.

Pending which,

On motion of Mr Corbell,

Ordered, That there be a call of the House.

The roll being called it appeared that the following named members were absent without leave. viz:

Messrs.	Messrs.
Berry. C. C.	Marshall.
Berry. J. M.	Merritt,
Brown. Chas. P.	Millen,
Bridenthal.	McNeigh.
Chaplin,	Mitchell.
Cleveland,	Preston,

Messrs.

Bell,
Chandler,
Crowley,
Cunningham,
Dare.
Fox,
Gilbreath,
Hawkins, A. M.
Hays.
Hynds,
Joslyn,
Johnson, Adam,
Kent,
Lynn,
Murphy, J. M.
McLeod,

Messrs.

Parrish,
Rawlins,
Robinson,
Sarber,
Shipley,
Shepherd,
Snyder,
Stewart,
Turner,
Thom,
Tillar,
Thurston,
Warwick,
Wheat,
The Speaker.

A quorum of the House not being present,-

Mr. J. M. Johnson moved that the sergeant-at-arms be instructed to bring in absent members.

Pending which,

The Speaker (Mr. Bate in the chair) directed the sergeant-at-arms to arrest the absent members and bring them before the bar of the House at 11 o'clock A. M. on the morrow.

Mr. Corbell, at 2 o'clock and 34 minutes P. M., moved that the House adjourn.

Mr. Kingston asked for the year and nays.

The question being put.

It was decided in the affirmation- year 27, naye 12.

The year and naye being desired by five members,

Those who voted in the affirmation are:

Messrs:-

Corbell,
Chandler,
Crowley,
Bate,
Dunn,
Foster,
Gist,

Messrs.

McGehee,
Matheny,
Pinkerton,
Rawlins,
Reid,
Speece,
Stephenson,

Messrs.

Gilbreath,
Gorsett,
Grissom,
Hawkins, Monroe
Harley,
Latta,
Murphy, Wm.

Messrs.

Shepperson,
Strong,
Struthers,
White,
Walker,
Wright,

Those who voted in the negative are:

Messrs.

Bunn, Neal
Copeland,
Chapman,
Eagle,
Firebush,
Johnson, J. H.

Messrs.

Joyner,
Kingston,
Page,
Robinson,
Thomason,
Williams.

So the motion was agreed to,

And,

The House accordingly, at 2 o'clock and 35 minutes P. M., adjourned.

Approved

Speaker.

Attest

Clerk.

Thursday, March 6, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. C. C. Berry, J. H. Berry, Chas. F. Bunn, Bridenthal, Chapline, Corbell, Cox, Copeland, Chandler, Crowley, Cate, Davis, Ermin, Eagle, Fox, Foster, Gist, Gilbreath, Gorsell, Grissom, H. M. Hawkins, C. S. Hawkins, Monroe Hogan kins, Davis, Harley, Ozlyn, Adam Johnson, J. H. Johnson, Kent, Lee, Lynn, Latta, J. M. Murphy, Wm. Murphy, Marshall, McIver, Merritt, Miller, McCleigh, Matheny, Page, Pindall, Rawlings, Reid, Robertson, Robinson, Sarber, Shipley, Spence, Stephenson, Shepperson, Strong, Struthers, Stewart, Turner, Brown, Thompson, Tillar, Thornburg, White, Neal, Williams, Wright, the Speaker,

Prayer by the Chaplain.

The journal of Wednesday was read and approved.

On motion of Mr. Chapline.

Leave of absence was granted Mr. L. B. Mitchell for 2 days dating from Wednesday, March 5, 1873.

On motion of Mr. Jarrett.

Leave of absence was granted Mr. W. L. Chapman for 3 days.

The House proceeded under the regular order of business, to consider the bill of the Senate (S. 58) entitled An act to create the county of Clayton and for other purposes.

Which was read a second time.

And,

On motion of Mr. Latta.

Ordered, That the further consideration of the bill be postponed and made special order for 12 o'clock M., of Friday, March 7, 1873.

On motion of Mr. J. M. Johnson.

The House passed to the consideration of the joint resolution of the Senate (S. Jt. Res. 9) a joint resolution requesting the Governor to declare martial law in the county of Pope.

Which was read a second time.

And,

On motion of Mr. J. M. Johnson.

Ordered, That the joint resolution lie on the table subject to the call of the House.

On motion of Mr. Eagle.

The House proceeded, under the regular order of business, to consider the bill of the House (H. R. 162) entitled An act to repeal section 20, chapter 70 of Gould's Digest,

Which was read,

And,

It appearing that the bill had not been correctly engrossed.

By direction of the Speaker,

Ordered, That the bill be engrossed for a third reading in its order.

On motion of Mr. White,

The House proceeded to consider the bill of the House (H.R. 188) entitled An act to encourage the introduction of thoroughbred live stock into this state.

Which was read a third time.

And.

On motion of Mr. Thurmer.

Ordered. That the bill be referred to the Committee on the Judiciary, with instruction to draft a bill with similar provisions of a general nature.

On motion of Mr. J. H. Berry.

The House proceeded to consider the substitute for the bills of the House. (Sub. H.R. 1.60) entitled An act to regulate the fees of the several officers therein mentioned, and for other purposes.

Which was read a third time.

Pending the reading of the bill.

Mr. Bird moved that the House resolve itself into the Committee of the Whole House for the further consideration of the bill.

Which was not agreed to.

Pending the further reading of the bill.

Mr. Shepperson moved that the reading be dispensed with and that the further consideration of the bill be postponed until 11 o'clock and 30 minutes A.M., on the morrow.

Which was not agreed to.

Pending the further reading of the bill.

Mr. Bird made the point of order.

That the bill was not properly before the House the rules not having been suspended for the purpose of passing to the consideration of the bill.

The Speaker (Mr. Barber in the chair) ruled that the House having passed to the consideration of the bill before he was called to the chair, it was not competent for him to consider or rule upon the question of order.

Mr. Miller asked that his protest to the consideration of the bill without a suspension of the rules be spread upon the journal.

Pending the further reading of the bill.

Mr. Corbell moved that the further reading be dispensed with and that the bill be re-committed to the Committee on the Judiciary, and also asked for the yeas and nays.

The question being put,

It was decided in the negative. — yeas 20, nays 45.

The yeas and nays being demed by five members.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Corbell.
Coit,
Davie.
Grisson.
Hawkins. Messrs
Johnson, J. H.
Kent.
Marshall,
Miller.

Messrs.

Page,
Robinson.
Sauber.
Shrigley.
Shappard.
Shepperson.
Stewart.
Timms.
Warwick.
Williams.

Those who voted in the negative are:-

Messrs.

Berry, J. H.
Brown, Neal
Brown, Chas. F.
Bridenthal,
Chandler,
Crowley,
Cate,
Ennis,
Eagle,
Fox,
Fudush,
Foster.
Gist,
Gilbreath
Gossett,
Harris,
Heyniis,
Harley,
Irvin,

Messrs.

Murphy, Wm.
McLeod,
Mechenee,
Merritt,
McVeigh,
Matheny,
Priddell,
Rawlins.
Reid,
Robertson.
Spears.
Stephenson,
Swing,
Swingster,
Shannon,
Shannon,
Tillar,
Thornburg.
White.

Messrs. Messrs.

Johnson, Adam Wheat,
Joyner, Walker,
Lee, Wright.
Latta,

So the motion was not agreed to.

Pending the further reading of the bill.

The hour of 11 o'clock and 30 minutes A.M., having arrived, being the hour set for the consideration of the bill of the House (H. R. 178) entitled An act to amend an act entitled an act to regulate the practice in the matter of exemption of property from execution on final process, approved March 28, 1871.

On motion of Mr. Mecklenburg.

Ordered, That the consideration of the special order be postponed until 12 o'clock and 30 minutes P.M.,

The reading of the bill being concluded,

After debate,

The Speaker having resumed the chair

Mr. Watterson raised the point of order that the bill was not properly before the House, the rules not having been suspended for the purpose of passing to the consideration of the bill,

The Speaker ruled that had the question been raised at the time the House agreed to pass to the consideration of the bill the point would have been ruled as well taken, but that the provisions of the constitution requiring the bill to be read three times, on different days, or under a suspension of the rules, having been complied with, and the bill having been considered by the House and read a third time, it was too late to interpose the point of order.

After further discussion

The question being on the passage of the bill.

Mr. J. H. Berry moved the previous question, which was seconded, and under the operation thereof, the bill was placed upon its passage,

The question being put, Shall the bill pass?
It was decided in the affirmative, yeas 44.
nays 26. not voting 18.

Those who voted in the affirmative are:

Messrs.

Berry, J. W.
Brown, Chas. F.
Brideuthal,
Chandler,
Crowley,
Cate,
Erwin,
Eagle,
Fleibush,
Foster,
Gist,
Gilbreath,
Gazette,
Gayman,
Hamilton, A. M.
Hamblin, Moses
Hunt,
Hazelton,
Hanley,
Jaynes,
Lee,
Lyon,
Latta,
Murphy, Wm.
MacLeod,
Mechlen,
Merritt,
Mecleigh,
Matheny,
Pridall,
Rawlins,
Reid,
Robertson,
Shinn,
Sumpter,
Shannon,
Shumaker,
Silver,
Shamberg,
White,
Wheat,
Walker,
Wright,
The Speaker.

Those who voted in the negative are:

Messrs.

Brown, Neal
Corbett,
Coit,
Copeland,
Dalyns
Johnson, J. W.
Kent,
Murphy, J. Mc.
Mellett,
Page,
Robinson,
Shuyler,
Shaw, Paul,
Sheaks,
Stephenson,
Shepherson,
Stewart,
Turner,
Thornbrough
Wilkinson.

Those absent or not voting are:

Messrs.

Berry, C. E.
Beardsley,
Hamilton, U. S.
Johnson, Adams

Messrs.

Beasley,
Chapman,
Cleveland,
Chapman,
Cunningham,
Dare,
Fox,

Messrs.

Kingston,
Marshall,
Mitchell,
Nunn,
Preston,
Parrish,
Barber.

So the bill was passed.

Before the vote was announced,
Mr. Grubush, sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker:- I vote upon this bill and for it believing that the party is pledged to it. I am sorry that it does not suit some of my personal friends but my duty to the people is far above and greater than personal interest.

Mr. Mullen sent to the clerk's desk the following protest against the action of the House in considering the bill, without the rules having been suspended for that purpose, viz:-

Mr. Speaker:- Substitute for House bill No. 1 and 60 being on its second reading and having been suffered by the Speaker of the House to pass to a third reading and placed upon its final passage without the essential requirement of a suspension of the rules. I hereby enter my solemn protest against said infraction and violation of Parliamentary usage, and law had in the vote on fridal passage of the bill.

Mr. Warwick, gave notice that he would on the morrow ask leave to spread an explanation of his vote on the journal.

Mr. Shepperson gave notice that he would on the morrow ask leave to spread an explanation of his vote on the journal.

The vote was then announced as above.

Mr. Pindall moved that the vote just taken be reconsidered, and also moved that

the motion to reconsider be laid on the table.
Which latter motion was agreed to,

Mr. MacLeod from the Committee on Enrolled bills, reported correctly enrolled the memorial of the House (No. Above 6) a memorial to the Postmaster General of the United States to extend the mail service on route No 7567, from weekly to tri-weekly,

Also, the bill of the House (No. R. 167) entitled An act for the relief of Chas. B. Fitzpatrick, John H. Hazzard and Mr. W. Wygant, and for other purposes.

Also, the bill of the House (No. R. 168) entitled An act to cure defective conveyances.

Mr. Corbell moved that the rules be suspended and that the House pass to the consideration of the joint resolution of the House (No. J. R. Res. 16) a joint resolution providing for the adjournment of the General Assembly, sine die. March 29. 1873.

Which was not agreed to (two thirds of the members present not voting therefor)

The hour of 12 o'clock and 30 minutes having arrived.

The House proceeded to consider the special order postponed to that hour, being the consideration of the bill of the House (No. R. 178) entitled An act to amend an act entitled an act to regulate the practice in the matter of exemption of property from final process.

Which was read a third time and placed upon its passage.

The question being put, Shall the bill pass?
It was decided in the affirmative, — yeas 33, nays 13, not voting 36.

Those who voted in the affirmative:

Yeas.

Brown, Neal
Brown, Chandler
Chaplain.
Corbell.
Coit.
Chandler.
Crowley,
Cate,
Fox,
Fountain,

Messrs.

Eyet,
Gilbreath,
Hazlett,
Hawkins, Thomas
Hynds,
Harley,
Johnston, Adam
Johnson, J. M.
Kent,
Lee,
Murphy, J. M.
Murphy, Wm.

Those who voted in the negative are:-

Messrs.

Bridenthal,
Ervin,
Eagle
Foster,
McVeigh,
Matheny,
Pindall,

Those absent or not voting are:-

Messrs.

Berry, G. W.
Berry, J. M.
Bedsley,
Beasley,
Cleveland,
Copeland,
Chapman,
Cunningham,
Davis,
Epperson,
Hawkins, A. M.,
Hawkins, O. S.
Hanis,
Joslyn,
Joynes,
Kingston,
Lynn,
Latta,

Messrs.

Millam,
Reid,
Robinson,
Spears,
Stephenson,
Sumpter
Stewart
White,
Wheat,
Williams,
The Speaker.

Messrs.

Sturg,
Thurman,
Tillar,
Thornburg,
Walker,
Wright.

Messrs.

McLeod,
Marshall,
McGehee,
Merritt,
Mitchell,
Nunn,
Page.
Pierce,
Parish,
Rankins,
Robertson,
Sanders,
Shipley,
Shapard,
Shepperson,
Turner,
Thurman,
Yancick.

So the bill was passed.

Mr. Adams Johnson, at 10 o'clock and 40 minutes moved that the House adjourn.

Which was not agreed to.

Under a suspension of the rules for that purpose,

Mr. Fox from the Committee on the Judiciary to whom was referred the bill of the House No. R. 831 entitled An act to provide for protecting keepers of livery, sale or feed stables, or wagon yards in this state, reported the same with the recommendation that the bill be amended by striking out in section 2, line 13, the words "ten days notice" and inserting in lieu thereof the words "the same thirty days actual or construction notice."

The report of the committee was adopted and the amendment accordingly agreed to.

And,

On motion of Mr. Fox,

Ordered, That the bill be engrossed and be made special order for 11 o'clock and 30 minutes A. M. of Friday, March 7, 1873.

Also from the same committee, to whom was referred the bill of the House (No. R. 220) entitled An act to regulate the method of licensing attorneys in the several courts of this state, reported the same and recommended its passage.

On motion of Mr. Fox,

Ordered, That the bill be engrossed for a third reading and be made special order for 11 o'clock and 30 minutes A. M. of Wednesday March 12, 1873.

Also, from the same committee, to whom was referred the bill of the House (No. R. 217) entitled An act for the relief of Cyrus L. Smith of Union county, Arkansas, reported the same and recommended a substitute therefor.

The report of the committee was adopted and the substitute was accordingly adopted in lieu of the original bill.

On motion of Mr. Bird,

The rules were, by unanimous consent suspended, and

The substitute bill was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative, — yeas 52, nays 3, not voting 27.

Those who voted in the affirmative:

Messrs.

Berry, C. E.,
Berry, J. H.,
Bridenthal,
Chapline,
Cort,
Copeland,
Chandler,
Cole,
Dare,
Ennis,
Fox,
Furbush,
Foster,
Gist,
Gilkreath,
Gysett,
Guseman,
Hankins, A. M.,
Harris,
Hynds,
Harley,
Irby,
Johnson J. H.,
Joyner,
Kingston,
Lee,
Lemon,
Lewis,
Lilly,
Lowe,
Mayo,
Mason,
Mitchell,
Moore,
Morgan,
Murphy, J. H.,
Murphy, J. Wm.,
Marshall,
Merritt,
McVeigh,
Matheny,
Pindall,
Rawlins,
Reid,
Robertson,
Robinson,
Saber,
Spears,
Stephenson,
Shepherson,
Strong,
Sterbutt,
Thomason,
Tillman,
Thompson,
White,
Wheat,
Walker,
Williams,
Wright,
The Speaker,

Those who voted in the negative are:-

Messrs.

Brown, Neal
Eagle,
Johnson, Atlas

Those absent or not voting are:-

Messrs.

Beardsley,
Brown, Chas. H.
Bearley,
Corbell,
Cleveland,
Chapman,
Crowley,
Cunningham,
Hawkins, O. S.
Hawkins, Mervin,
Kent,
Lynn,
Latta,
McCleod,

Messrs.

McGehee,
Miller,
Mitchell,
Nunn,
Page,
Peeler,
Parrish,
Shipley,
Shephard,
Sumpter,
Turner,
Thorn,
Warwick,

So the bill was passed,
Under a suspension of the rules for that purpose.

Mr. Stewart, from the Committee on Education, introduced, with a favorable report of the majority of the committee, a bill (H. R. 233) entitled An act to amend sections 9, 16 and 17 of an act for the better regulation of schools in cities and towns, approved February 4, 1869.

Also, a bill (H. R. 234) entitled An act to establish and maintain a system of free common schools for the state of Arkansas.

Mr. Eagle, from the same committee, to whom was referred the bill of the House (H. R. 87) entitled An act to maintain a system of free common schools for the state of Arkansas reported the same and submitted the following report as a minority report of the Committee recommending the passage of the bill with amendments as follows:-

Mr. Speaker: The Committee of the House on Education to whom was referred House Bill No 87 beg leave to make a minority report returning the bill with the following amendments and recommending its passage:

For section 47 substitute the following,

"That he shall be exempt from working on roads and public Highways, and from serving

on fines while acting as trustee."

Amend section 58 by striking out the word "four", in line 17, of original bill (line 9 of printed bill) and insert the word "three", In line 19 of original bill (line 10 of printed bill) by striking out the word "eight", and inserting the word "five" and by adding to said section 58 the following:

"The committee of trustees at its first meeting shall determine the compensation to be paid county superintendents appointed by the Governor"

Amend section 98 by striking out the words "the several county superintendents" and inserting in lieu thereof the words "The trustees of the Arkansas Industrial University."

Amend section 112 by striking out the word "March" and inserting the word "May" and by adding to said section the following:

"And the office of circuit superintendent of public instruction is hereby abolished"

Amend section 114 by striking out the words "the fourth day of March 1873" and inserting in lieu thereof the words its passage

On motion of Mr. Barber

Ordered That the bills lie on the table subject to the call of the House, and that the usual number of copies of the bills introduced by the majority of the committee be printed for the use of the House.

Mr. Kingston moved that the Committee on Education be instructed to report all bills referred to that committee with their recommendations thereon.

Pending the consideration of the motion,

A message from the Senate by Mr. Quick their Secretary, viz:-

Senate Chamber March 6 1873

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of (S. B. No 29)

entitled An act to establish a board of supervisors in each county in the state and define their jurisdiction, and herewith transmit the same for your favorable consideration.

The question then being on the motion that the Committee on Education be instructed to report all bills referred to that committee with their recommendation thereon.

It was not agreed to.

And then,

On motion of Mr. Reid,

The House, at 2 o'clock and 26 minutes, P. M., adjourned.

Approved

Speaker.

Attest

Clerk.

Friday, March 7, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. C. E. Bunn, J. H. Bunn, Chas. F. Bunn, Brideuthal, Chaplin, Corbett, Cort, Copeland, Chandler, Crowley, Ennis, Fairbank, Foster, Gist, Gilbreath, Grissom, A. M. Hawkins, O. S. Hawkins, Morgan Hawkins, Hynds, Hanley, Adam Johnson, J. M. Johnson, Joyner, Kingston, Kent, Lee, Lynch, Latta, Wm. Murphy, McLeod, Marshall, McGehee, Merritt, Millen, McVeigh, Meathney, Mitchell, Page, Pindall, Rankins, Reid, Robertson, Sarber, Shrigley, Sharpe, Shaw, Stephenson, Shepperson, Stacy, Stuart, Thomas, Thompson, Thornburg, White, Wheat, Walker, Williams, Wright, The Speaker.

On motion of Mr. Hanley,

Leave of absence was granted Mr. J. M. Jarrett for 7 days.

Prayer by the Chaplain.

The journal of Thursday was read and approved.

Under a suspension of the rules for that purpose,

Mr. Shrigley introduced a joint resolution (H. J. Res. 18) a joint resolution instructing the Committee of Immigration in relation to the Pope county troubles, and for other purposes.

Which was read a first time.

Mr. Kent moved that the rules be suspended and that the joint resolution be read a second time by title.

Which was not agreed to (two-thirds of the members present not voting therefor).

The House proceeded, under the regular order of business, to consider the bill of the House (H. R. 56) entitled An act to repeal an act to incorporate turnpike roads in the state of Arkansas, approved, March 10, 1871.

Which was read a third time.

Mr. Kent moved that the bill be referred to the Committee on the Judiciary with instruction to inquire into the Constitutionality of the bill.

Mr. Latta moved as an amendment that the committee be instructed to draft and report if necessary a substitute for the bill.

Pending the consideration of the motions.

The hour of 10 o'clock and 30 minutes A. M. having arrived.

The House proceeded to consider the special order set for that hour being the consideration of the bill of the House (H. R. 83) entitled An act to provide for protecting keepers of livery, sale or feed stables, or wagon yards, in this state.

Which was read a third time, and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative, by yeas 61, nays none, not voting 21.

Those who voted in the affirmative are:

Messrs.

Berry, G. E.
Berry, J. H.

Mac Leod
Marshall

Messrs.

Bridenthal,
Borbell,
Burt,
Copeland,
Chandler,
Crowley,
Cate!
Ennis,
Eagle,
Ferber,
Gist,
Gilbreath,
Grissom,
Hawkins, A. M.
Hawkins, O. S.
Hawkins, Homer
Hynds,
Hanley,
Jaclyn,
Johnson, Adam,
Johnson, J. M.
Joyner,
Livingston,
Kent,
Lee,
Lyon,
Latta,
Murphy, J. M.
Murphy, Wm.

Messrs.

Merritt,
Millen,
McHugh,
Matheny,
Mitchell,
Page,
Pindall,
Rankin,
Reid,
Robertson,
Robinson,
Shipley,
Speake,
Stephenson,
Sheppeard,
Sloan,
Sindpleo,
Stewart,
Tinnen,
Thomason,
Tillar,
Thornburg,
White,
Wheat
Walker,
Williams,
Wright,
The Speaker.

None voting in the negative

Those absent or not voting are:-

Messrs. Beardsley,
Brown, Neal
Brown, Chas. F.
Beasley,
Chaffin,
Cleveland,
Chapman,
Cunningham,
Davis,
Fox,
Furbush,

Messrs.

Gossett,
Harris,
Mecklenburg,
Nunn,
Preston,
Parish,
Sauber,
Shapleigh,
Thomas,
Warnock,

So the bill was passed.

Under a suspension of the rules for that purpose,

Mr. Shoppeson introduced a bill (H. R. 235) entitled An act for the relief of the sureties of H. B. Williams, late sheriff and collector of Humpstead county.

Which was read a first time, Under a suspension of the rules.

The bill was read a second time, by title and referred to the Committee on the Judiciary.

On motion of Mr. Latta,

The House proceeded, under the regular order of business to consider the memorial of the House (H. Memo. 10) a memorial to the Congress of the United States asking for the passage of an act providing for the sale of the Hot Spring reservation.

Which was read a third time and placed upon its passage.

The question being put, Shall the memorial pass?

It was decided in the affirmative, yeas 53, nays 3, not voting 26.

Those who voted in the affirmative are:

Messrs.

Berry, C. E.
Berry, J. H.,
Bridenthal,
Cort,
Chandler,
Conley,
Cate,
Ennis,
Eagle,
Galbreath,
Foster,
Gist,
Gilbreath,
Grisson,
Hankins, A. M.
Hamilton, O. S.
Hankins, Thomas

Messrs.

McLeod,
Marshall,
McVeigh,
Matheny,
Mitchell,
Merritt,
Millen,
Page,
Rankins,
Reid,
Robertson,
Robinson,
Shipley,
Stephenson,
Shoppeson,
Story,
Sinclair,

Messrs. Hynds, Harley, Foley, Johnson, Joyce, Kilpatrick, Lynch, Latta, Murphy, J. Mc, Murphy, Wm,

Those who voted in the negative are:-

Messrs. Corbett, Johnson, Adam

Those absent or not voting are:-

Messrs. Beardsley, Brown, Neal, Brown, Chas. F, Bailey, Chapline, Cleerbaut, Copeland, Chapman, Cunningham, Davis, Fox, Fossett, Harris, Messrs. Kent, Lee, McGehee, Nunn, Preston, Pindall, Parish, Sauber, Shapland, Stewart, Sumner, Wanack, Williams,

So the memorial was passed.

On motion of Mr. White

Ordered, That the Committee on Engrossed Bills be instructed to report correctly engrossed the bill of the House (H. R. 831) entitled An act to extend the time for payment of taxes for the year 1872.

On motion of Mr. Breckenridge,

The House proceeded under the regular order of business to consider the substitute for the bill of the House (Sub. H. R. 731) entitled An act to encourage the breeding and raising of fine horses and mules.

Which was read a third time, and placed upon its passage

The question being put, Shall the bill pass?

It was decided, in the affirmative, — yeas 49, nays 8, not voting, 25.

Those who voted in the affirmative are:—

Messrs.

Berry, J. H.,
Brideuthal,
Chapline,
Corbell,
Copeland,
Cate,
Ennis,
Eagle,
Fox,
Finnigan,
Figley,
Gist,
Gilbreath,
Greene,
Hopkins, A. H.,
Hopkins, C. S.,
Hynds,
Harley,
Ogelby,
Johnson, Adam,
Johnson, J. H.,
Joynes,
Kingston,
Lee,
Latta,

Those who voted in the negative are:—

Messrs.

Murphy, J. H.
McLeod,
Mechlenee,
McMillen,
McVeigh,
Mitchell,
Nunn,
Page,
Ribelin,
Robinson,
Shrigley,
Speaks,
Stephenson,
Shepperson,
Shipp,
Sublette,
Stewart,
Thomason,
Tilton,
Thornburg,
White,
Wheat,
Walker,
Wright,

Those absent or not voting are:—

Messrs.

Berry, Chas. F.
Chandler,
Hopkins, Moses
Kent,

Messrs.

Mahoney,
Pindall,
Sharpe,
The Speaker,

Messrs.

Berry, C. E.
Beardsley,

Messrs.

Lynn,
Murphy, Wm.

Messrs.

Brunn, Teal
Beasley,
Cleveland,
Crit,
Chapman,
Crawley,
Cunningham,
Davis,
Gazett,
Harris,

Messrs.

Marshall,
Merritt,
Preston,
Parish,
Rawlins,
Reid,
Saber,
Turner,
Thurman,
Warnock,
Williams.

So the bill was passed.

A message from his Excellency the Governor by Mr. McCanany his private secretary, who, by unanimous consent read the same as follows:-

Executive Department, Arkansas.
Little Rock, March 7, 1873.

To the House of Representatives of Arkansas.

Gentlemen: I have signed and approved House Bill entitled "An act to cure defective conveyances" also Memorial of the General Assembly to the Congress of the United States asking for the passage of an act to refund the tax collected on cotton during the years 1865, 1866 and 1867 all of which are herewith returned.

Elisha Baxter,
Governor of Arkansas.

Under a suspension of the rules for that purpose,

Mr. R. M. Jenkins introduced a bill (H. R. 236) entitled "An act to create the county of Howard,

Which was read a first time,

Mr. Corbell moved that the further consideration of the bill be indefinitely postponed.

Which was not agreed to.

Mr. Marshall moved that the bill lie on the table subject to the call of the House,

Which was not agreed to.

Mr. Kent moved that the rules be suspended and that the bill be read a second time by title,

Which was not agreed to (two-thirds of

the members present not voting therefor).

Mr. Burt from the Committee on Engrossed Bills, reported correctly engrossed the bill of the House (H.R. 170) entitled An act to revive the first clause of the first proviso of the fourteenth section of an act approved January 1, 1861, entitled An act for the incorporation of the city of Augusta, as amended by an act approved March 20, 1867, entitled An act to amend the fourteenth section of an act approved January 1, 1861, entitled an act for the incorporation of the city of Augusta.

And,

Under a suspension of the rules for that purpose,

On motion of Mr. J. H. Johnson,

The House passed to the consideration of the special order set for 1 o'clock P.M. of Wednesday, March 5, 1873, being the consideration of the bill of the House (H.R. 170) entitled An act to revive the first clause of the first proviso of the fourteenth section of an act approved January 1, 1861, entitled An act for the incorporation of the city of Augusta, as amended by an act, approved March 20, 1867, entitled An act to amend the fourteenth section of an act approved January 1, 1861, entitled an act for the incorporation of the city of Augusta,

Which was read a third time and placed upon its passage,

The question being put, Shall the bill pass?

It was decided in the affirmative,—yeas 52, nays 11, not voting 19.

Those who voted in the affirmative are:-

Messrs.

Berry, B. E.
Berry, J. H.
Bridenthal
Chapline,
Corbett,
Burt

Messrs.

Murphy, Wm
McLeod,
Marshall,
McGehee,
Merritt,
Millen,

Messrs.

Copeland.
Chandler.
Crowley.
Ennis.
Eagle.
Fox.
Fairbrother.
Gibson.
Hawkins. A. M.
Hawkins. O. S.
Hawkins, Honor
Harley,
Jordan,
Johnson. J. M.
Joyner.
Kinsella,
Kent,
Lynn.
Latta,
Murphy. J. Mc.

Messrs.

McNeight.
Mahoney.
Nunn.
Rowlins.
Reid.
Robertson.
Robinson.
Shipley.
Speaks,
Stephenson,
Strong.
Sumpter.
Stewart.
Thorne,
Thomason,
Tillar.
Thornburg.
Wheat,
Williams.
Wright,

Those who voted in the negative are:-

Messrs.

Brown, Aycl
Brown, Chas. F.
Gilbroath.
Johnson, Adam
Pindall,
Sasser,

Messrs.

Sheppard,
Warwick.
White.
Walker.
The Speaker.

Those absent or not voting are:-

Messrs.

Beardsley.
Beasley.
Cleveland.
Chapman.
Cate.
Cunningham,
Dunn.
Exum.
Gant.
Jarrett.

Messrs.

Harris.
Hynds.
Lee.
Mitchell,
Page.
Preston,
Parrish,
Shepherson.
Turner,

So the bill was passed.

The hour of 11 o'clock and 30 minutes

A. M. having arrived.

The House proceeded to consider the special order set for that hour being the consideration of the bill of the Senate (S. 38) entitled An act to amend section 2 of an act entitled an act for the location organization and maintenance of the Alabama Industrial University with a normal department thereto.

Which was read a third time.

The question being put, Shall the bill pass? It was decided in the affirmative, — yeas 53, nays none, not voting 29.

Those who voted in the affirmative are:

Messrs.

Berry, J. M.
Burns, Neal
Burns, Chas. F.
Bridgethal,
Chapline,
Chandler,
Crowley,
Cate,
Ennis,
Eagle,
Fox,
Funbush,
Fizer,
Greene,
Hankins, A. M.
Hankins, O. S.
Hankins, Moses
Harley,
Jolly,
Johnson, Adam
Johnson, J. M.
Joyner,
Kingston,
Kent,
Murphy, J. M.
Murphy, Wm.
McLeod,
Millen,
Matheny,
Mitchell,
Nunn,
Page,
Rankins,
Reid,
Robertson,
Robinson,
Saber,
Spears,
Stephenson,
Strong,
Sumpter,
Stewart,
Thurmond,
Thomason,
Tillar,
Turnbull,
Warwick,
White,
Wheat,
Walker,
Williams,
Wright,
The Speaker,

None voting in the negative.

Those absent or not voting are:—

Messrs.

Berry, B. E.
Beardsley,
Bearley,
Corbell,
Cleveland,
Coit,
Copeland,
Chapman,
Cunningham,
Durie,
Gist,
Gilbreath,
Garrett,
Harris,
Hynds,

Messrs.

Lee,
Lynn,
Latta,
Marshall,
Mecherson,
Merritt,
Mcveigh,
Preston,
Pindall,
Parrish,
Shrigley,
Shipman,
Shepperson,
Turner,

So the bill was passed.

Mr. Shepperson in accordance with previous notice, sent to the clerk's desk the following explanation of his vote on the passage of the substitute for the bills of the House (Sub. H. R. 1, 60) entitled An act to regulate the fees of the several officers therein mentioned and for other purposes, viz:-

Mr. Speaker; In explanation of my vote in substitute for House bills No. 1 and 60, I am of the opinion that the passage of such a bill will impede and hinder the execution of justice, because of the onerous duties to be performed and there not being sufficient compensation for such labor required to be performed by the several officers mentioned in this bill. Nevertheless I am most assuredly in favor of and will support a bill to reduce the fees and salaries of the various officers of the state, but not to such an extent as to render the offices purely of honor and not of profit.

Under a suspension of the rules for that purpose,

On motion of Mr. Pindall;

The House passed to the consideration of the bill (of the House (H. R. 154) entitled An act to amend the criminal laws of this state in relation to gambling, together with the report of the Committee on the Judiciary, thereon

recommending that the bill be not passed

On motion of Mr. Sunbury

The bill was amended by striking out in section six from the words "this act" to and including the words "one half of."

And,

On motion of Mr. Sunbury,

Ordered, That the bill be engrossed for a third reading and be made special order for 11 o'clock and 15 minute A.M. of Monday March 10, 1873.

Under a suspension of the rules for that purpose,

Mr. Stirling gave notice of the introduction of a bill to be entitled An act to provide more effectually for the protection of levees against injury from wagons and other vehicles.

Under a suspension of the rules for that purpose,

Mr. Latta gave notice of the introduction of a bill to be entitled An act appropriating and donating the land now forfeited to the State for taxes, and land that may be forfeited to the state for the next three years, remaining unsold after the regular sales of the Auditor, to the several counties in the state for the specific purpose of liquidating the indebtedness incurred in the erection of Court Houses and to enable counties in the state to erect county buildings.

The hour of 12 o'clock M having arrived,

The House proceeded to consider the special order set for that hour being the consideration of the bill of the House (H. R. 82) entitled An act to create a new county to be known and designated as the county of Sherman, and for other purposes,

Which was read a third time,

Pending the reading of the bill,

On motion of Mr. Thornburg,

Ordered, That the special order set for the same hour, being the consideration of the

bill of the Senate (S,58) entitled An act to create the county of Clayton and for other purposes, be postponed until 1 o'clock and 30 minutes P. M.

The reading of the bill being concluded,

After debate,

Mr. Neal Brown moved the previous question, which was seconded, and under the operation thereof the bill was placed upon its passage:-

The question being put, Shall the bill pass?

It was decided in the negative,— yeas 12, nays 49, not voting 2!

Those who voted in the affirmative are:-

Messrs.

Bridenthal,
Chapline,
Coit,
Funkhouser,
Foster,
Marshall,
Mathews,
Mitchell,
Reid,
Sauber,
Spears,
Wheat,

Those who voted in the negative are:-

Messrs.

Berry, C. E.,
Berry, J. M.,
Brown, Neal
Brown, Chas. F.
Burbell,
Copeland,
Chandler,
Ennis,
Eagle,
Gilbreath,
Guinn,
Hankins, A. M.,
Hankins, O. S.,
Hankins, Moses
Hoyns,
Hurley,
Jarvis,
Johnson, Adam
Johnson, T. A.,
Kent
Lee,
Latta,
Merritt,
Miller,
Mechling,
Nesbit,
Pindall,
Rawlins,
Robertson,
Robinson,
Shipley,
Shepherd,
Stephenson,
Shepperson,
Sinnett,
Sudduth,
Stewart,
Thompson,
Tillar,
Thornburg,
Waynick,
White,
Walker,
Williams,

Messrs.
Murphy, D. Me.
Murphy, Wm.
McLeod

Messrs.
Wright,
The Speaker.

were absent or not voting, viz:-

Messrs.
Beardsley,
Bearley,
Cleveland,
Chapman,
Conrley,
Cate,
Cunningham,
Davis,
Fox,
Gist,
Gossett,

Messrs.
Harris,
Joyner,
Kingsbury,
Lynch
McGehee,
Page,
Sheehan,
Parrish,
Turner,
Thomas,

So the bill was not passed.

Mr. Fox (when his name was called) rose to explain his vote.

The Speaker ruled that the bill having been placed upon its passage under the operation of the previous question, that a member had not the right to occupy the floor in explanation of his vote.

Mr. Fox appealed from the decision of the chair.

The question being put, Shall the decision of the chair be sustained?

It was decided in the affirmative.

So the decision of the chair was sustained.

Mr. Gist and Mr. Davis (when their names were called), asked and were excused from voting.

Mr. Stewart (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: I desire in explanation of my vote to say that I shall be governed in all such and similar cases by the representations made by the representatives whose counties are to be divided in the formation of

new counties. I find a petition here favoring the passage of this bill. I also find remonstrances introduced by representatives against the passage of this bill. I also know that a majority of the representatives from counties are to be divided are opposed to the bill. I therefore vote "no."

Mr. J. H. Berry, subsequently sent to the clerks desk the following explanation of his vote,

Mr. Speaker: I vote no because I am constitutionally opposed to any bill that deprives the people of any county of the right to elect their own officers and to locate their county site.

The vote was then announced as above;

Mr. Surber, at 10 o'clock and 15 minutes P.M., moved that the House adjourn.

Mr. J. M. Murphy moved as an amendment that the House adjourn until 10 o'clock A.M. of Monday, March 10, 1873.

Mr. Surber accepted the amendment.

Mr. Sumpter asked for the yeas and nays.

The question being put,

It was decided in the negative,—yeas 27, nays 38,

The yeas and nays being demanded by five members,

Those who voted in the affirmative are,—

Messrs.

Berry, B. E.
Bivins, Neal
Bynum, Chas. F.
Cort,
Copeland,
Hawkins, A. M.
Hawkins, C. S.
Hawkins, Moses
Harris,
Johnson, Adams
Kent,
Latta,
Murphy, J. M.
Murphy, Pleas.
Marshall,
Merritt,
Miller,
Mitchell,
Page,
Rankins,
Surber,
Shipley,
Turner,
Warwick,
Williams.

Those who voted in the negative are:—

Messrs.

Berry, J. M.
Reid,

Messrs.

Beasley,
Chaplin,
Corbell,
Chandler,
Ennis,
Eagle,
Fox,
Furbush,
Gerrish
Harley,
Johnson, J. H.,
Kingston,
Lee,
McLeod,
McNeigh,
Mahoney,
Nunn,
Pindall,

Messrs.

Robertson,
Robinson,
Shappard,
Spears,
Stephenson,
Shepperson,
Shirey,
Sumpter,
Stewart,
Thomason,
Tilton,
Trumbo,
White,
Wheat,
Walker,
Wright
The Speaker,

So the House refused to adjourn until 10 o'clock A. M., of Monday, March 10, 1873.

And then,

On motion of Mr. Shepperson,

The House at 10 o'clock and 20 minutes P. M. adjourned.

Attest

Speaker.

Clerk.

Saturday, March 8, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. C. C. Berry, J. H. Berry, Chas. F. Brown, Beasley, Breidenthal, Chaplin, Corbell, Copeland, Chandler, Cole, Dame Ennis, Eagle, Fox, Furbush, Foster, Gut, Gilbreath, Gerrish, Harrison, Hankins, A. M., O. S. Hankins, Herron Hankins, Harris, Reynolds, Harley, Irby, Jackson Johnson J. H. Johnson, Johnson, Latta, Mc. Murphy McLeod, Marshall, McGehee, Merritt, Tillen

McVeigh, Matheny, Mitchell, Rankin, Reid, Robertson, Robinson, Sauer, Shipley, Shappard, Spears, Sheppeard, Stamp, Sumpter, Stewart, Thomas, Thurman, Tillar, Thornburg, White, Wheat, Walker, Williams, Wright, The Speaker.

Prayer by the Chaplain,

The journal of Friday was read and approved.

On motion of Mr. Cate,

Leave of absence was granted Mr. F. W. Lynn for 2 days and Mr. B. H. Crosby for 10 days.

By unanimous consent,

Mr. Miller gave notice of the introduction of a bill to be entitled An act to compel collectors to receive state scrip for certain taxes.

On motion of Mr. Copeland,

Leave of absence was granted Mr. Adams Johnson for 4 days.

By unanimous consent,

Mr. Thornburg gave notice of the introduction of a joint resolution to amend the constitution so as to reduce the number of supreme judges from five to three,

The House proceeded under the regular order of business, to consider the bill of the House (H. R. 219) entitled An act to change the boundary line between the counties of Lawrence and Randolph,

Which was read a third time, and

On motion of Mr. Thornburg.

Ordered. That the further consideration of the bill be postponed until 11 o'clock A. M. of Tuesday, March 11, 1873.

On motion of Mr. Latta.

The House proceeded, under the regular order of business to consider the unfinished business of the preceeding day, being the consideration of the bill of the House, (H. R. 56) entitled An act to repeal an act to incorporate turnpike roads in the state of Arkansas, approved March 10, 1871, together with the motion that the bill be referred to the Committee on the Judiciary with instruction to inquire into the constitutionality of the bill, and the

pending amendment thereto that the committee be instructed to draft and report, if necessary, a substitute for the bill.

The question being on the amendment,

It was agreed to.

The motion as amended was then agreed to.

On motion of Mr. Chapline,

The House proceeded, under the regular order of business, to consider the joint resolution of the Senate (S. Jt. Res. 9) a joint resolution requesting the Governor to declare martial law in the county of Pope

Which was read a third time,

Mr Warwick moved that the further consideration of the joint resolution be postponed and made special order for 11 o'clock A. M., of Tuesday, March 11, 1873.

Mr. Cornell asked for the yeas and nays.

The question being put,

It was decided in the affirmative.—

yeas 38, nays 25.

The yeas and nays being desired by five members.

Those who voted in the affirmative are:-

Messrs.

Berry, J. M.
Bentley,
Bridenthal,
Coit,
Chandler,
Cate,
Davis,
Ennis,
Eagle,
Faubush,
Foster,
Gist,
Gilbreath,
Hynds,
Hanley,
Joyner,
Kent,
Latta,
McKehee,
Meenett,
McVeigh,
Matheny,
Mitchell,
Pindall,
Reid,
Robertson,
Sharp,
Sumpter,
Shumm,
Thomason,
Tillar,
Thornburg,
Warwick
White,
Walker,
Wright,

Messrs.
McLeod

Messrs.
The Speaker.

Those who voted in the negative are:-

Messrs.
Brown, Neal
Chapleau.
Cybell.
Copeland,
Guérin,
Hankins, A.M.
Hankins, Mervin.
Harris.
Joslyn
Johnson, J.H.
Lee.
Murphy, Nw.
Mayhall,

Messrs.
McMillan,
Page,
Rankins,
Sauber,
Shrigley,
Speads.
Stephenson,
Shepperson,
Stewart,
Turner,
Wheat,
Williams,

So the further consideration of the first resolution was postponed and made special order for 11 o'clock A.M., of Tuesday, March 11, 1873.

Mr. A.M. Hankins from the Committee on Elections to whom was recommitted the matter of the contested election in the thirteenth representative district, submitted, as a privileged question, the following additional supplementary report thereon, viz:-

Mr. Speaker; Your committee on elections, to whom was recommitted the papers and former reports made by the committee, in the contested election case of the thirteenth district, with a view of giving the contestee further time for additional evidence, and having had the same under consideration, submit the following:

Your committee have given ample time for the production of testimony, as asked for by the contestee, and there hardly been no evidence brought before your committee to refute or deny the former evidence submitted to this House, which evidence shows the ineligibility of L. O. Gilbreath, contestee, to a seat in the House of Representatives, by reason of his being clerk of said county in this state, on the day of his pretended election, viz:- November 5, 1872, and held and claimed

to be such clerk, and exercised the duties thereof after said election. That the said L. O. Gilbreath, up to the twenty-sixth day of November, A. D. 1872, held and exercised the duties of said office of county clerk of Scott county Arkansas, and claimed to be such clerk.

Section 11, article 5, of the constitution of the state of Arkansas, reads as follows:-

"No person holding office under the United States, or this state, or any county office, excepting postmasters, notaries public, officers of the militia, and township officers, shall be eligible to han a seat in either branch of the General Assembly, and all votes given for any such person shall be void."

In view of all the facts, your committee would recommend that the said L. O. Gilbreath be declared by this House ineligible and not entitled to a seat in the same as representation from the Thirteenth senatorial and representation district.

A. H. Hawkins,
Chairman.

Hugh Harris,
S. W. McLeod,
Rufus Lee,
Benton Turner,
Neal Brown
Committee on Elections.

Mr. Thurman moved that the report be recommitted to the Committee on Elections

After debate,

Mr. Murdoch moved that all members occupying seats in the House be declared the members of the House of Representatives and that the Committee on Elections be discharged from further consideration of cases of contested elections.

Mr. Miller moved the previous question which was seconded, and under the operation thereof the motion was agreed to.

Mr. Murdoch moved that the vote last

taken be reconsidered, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

Mr. McLeod subsequently sent to the clerk's desk the following protest against the action of the House in discharging the Committee on Elections from the further consideration of cases of contested elections, viz:-

Mr. Speaker: In explanation of my vote I will say, that I am sorry that I as a member of the election committee of the House of Representatives, have been acting in connection by the face if it was understood between the leading democrats and republicans that the sitting members at the commencement of this session, should retain their seats regardless of any decision or recommendation of the election committee, then I am satisfied that I as a member have not known any thing about the matter and I am satisfied that the proceedings of that committee have been to no purpose and just to get away from this farcical committee, vote aye.

Mr. Saylor moved that the rules be suspended and, that the House pass to the order of business of introduction of bills.

Which was not agreed to (two-thirds of the members present not voting therefor).

And then,

On motion of Mr. Millen,

The House, at 10 o'clock and 30 minutes P.M., adjourned until 10 o'clock, A.M. of Monday, March 10, 1873.

Approved

Speaker.

Attest

Clerk.

Monday, March 10, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. C. E. Berry, J. M. Berry, Neal Brown, Chas. F. Burns, Bedelen, Brickenthal, Chamberlin

Coit, Copeland, Chandler, Davis, Ennis, Eagle, Fox, Fairbrush, Fortes, Gist, Gilbreath, Grissom, E. M. Hawkins, Morris Hawkins, Harris, Hayuds Harley, Joslyn, Adams Johnson, J. H. Johnson, Kent, Latta, Wm. Murphy, McLeod, Marshall McGehee, Merritt, Miller, McNeig, Matheny, Mitchell, Simms, Pindall, Rawlins, Reed, Robertson, Robinson, Sarber, Shipley, Sharpard, Spears, Stephenson, Shepherson, Story, Stewart, Thomason, Tilbar, White, Wheat, Walker, Williams, Wright, The Speaker.

Prayer by the Rev. M. S. Hyde.

The Journal of Saturday, March 8, 1873, was read and approved.

Mr. Pindall sent to the clerk's desk the following explanation of his vote on the motion dischagging the Committee on Elections from the further consideration of cases of contested elections, viz:-

Mr. Speaker: I desire to enter on the journal of this House an explanation of my vote on the substitute motion for the report of the committee on elections in the case of the Thirteenth district. I was not a party to any contract either expressed or implied with Col. S. W. Dorsey or any one else, in relation to the action of this House in contested election cases. Believing that L. O. Gilbreath was duly elected and was not disqualified from holding his seat on this floor I could not vote to adopt the report of the committee; and believing that each case should be heard and determined on its individual merits. I could not vote for the substitute offered by the representation from Phillips (Mr. Fairbrush)

The House proceeded, under the regular order of business, to consider the bill of the Senate (S,61) entitled An act for the relief of William E. Mansfield.

Which was read a third time and placed upon its passage

The question being put, Shall the bill pass?
It was decided in the negative,— yeas 6, nays 55, not voting 21,
Those who voted in the affirmative are:

Messrs.

Chapline,
Funkhouser,
Foster,

Messrs.

Johnson, Adams
Jones,
Pindall,

Those who voted in the negative are:—

Messrs.

Berry, C. E.
Berry, J. M.
Bibbins, Neal
Brown, Chas. F.
Brown, Chas. F.
Bearley,
Bridenthal,
Cort,
Copeland,
Chandler,
Cate,
Ennis,
Eagle,
Fox,
Gist,
Gilmorth,
Grimm,
Hawkins, A. M.
Hawkins, Hawes
Hall,
Hynicka,
Johnson, J. M.
Kingston,
Kault,
Latta
Murphy, J. M.
Murphy, Wm.
McLeod,
Marshall

Messrs.

McClellee,
Merritt,
Miller,
McVeigh,
Matheny,
Mitchell,
Rawlins,
Reid,
Robinson,
Shingley,
Sharpe,
Speak,
Stephenson,
Shepherson
Strong,
Sculpter,
Stewart,
Turner,
Thompson,
Tillar,
Warwick,
White,
Wheat,
Williams,
Wright,
Walker,
The Speaker,

Those absent or not voting are:—

Messrs.

Beardsley,
Corbell,
Cleveland

Messrs.

Joyner,
Lee,
Lynch

Messrs.

Chapman,
Crowley,
Cunningham,
Davis,
Ezzell,
Hawkins, O. S.
Harley,
Dolph.

So the bill was passed,

Under a suspension of the rules for that purpose.

On motion of Mr. White.

The House proceeded to consider the special order set for 10 o'clock and 30 minutes A.M. of Wednesday, March 5. 1873, being the consideration of the bill of the House, (H. R. 183) entitled An act to extend the time, for collection of taxes for the year 1872.

Which was read a third time and passed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative, — yeas 66, nays 1, not voting 15,

Those who voted in the affirmative are:-

Messrs.

Berry, C. C.
Berry, J. H.
Bruton Neal
Bynum, Chas. F.
Briden thal,
Chaplice
Corbell
Copeland,
Chandler,
Cate,
Ennis,
Eagle,
Fox,
Furbush,
Foster,
Gist,
Gilbreath,

Messrs.

Marshall,
Mcghee,
Merritt,
Mallett,
Mcleng h,
Mallory,
Mitchell,
Nunn,
Pindall,
Rawlins,
Reid,
Robertson,
Robinson,
Shipley,
Shapphard,
Speas,
Stephenson,

Messrs.

Griswold,
Hawkins, Ralph,
Hawkins, Moses,
Hayes,
Hayrds,
Harley,
Joslyn,
Johnson, Adam
Johnson, J. H.
Joyner,
Kingston,
Kent,
Latta,
Murphy, J. M.,
Murphy, Wm.
McLeod,

Voting in the negative,

Mr. Bott,

Those absent or not voting are:

Messrs.

Beardsley,
Beasley,
Cleveland,
Chapman,
Crowley,
Cunningham,
Davis,
Jarrett,

Messrs.

Shepperson,
Sluing,
Sutcliffe,
Stewart
Turner,
Thorne,
Thornton,
Tillman,
Turnbury,
Warwick,
White,
Wheat,
Walker,
Williams,
Wright,
The Speaker,

So the bill was passed,

Mr. Warwick moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table, which latter motion was agreed to,

On motion of Mr. Hawkins,

The House proceeded under the regular order of business, to consider the bill of the House, (H. R. 75) entitled An act to repeal an act entitled an act to regulate the labor system in this state.

Which was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

Messrs.

Hawkins, O. S.
Lee,
Lynch,
Page,
Preston,
Parrish,
Sarber,

Mr. Warwick moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table, which latter motion was agreed to,

On motion of Mr. Hawkins,

The House proceeded under the regular order of business, to consider the bill of the House, (H. R. 75) entitled An act to repeal an act entitled an act to regulate the labor system in this state.

Which was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative, — yeas 40, nays 20, not voting 22.

Those who voted in the affirmative are:-

Messrs.

Berry, G. E.
Berry, J. H.
Bohm, Neal
Brown, Chas. F.
Chapline,
Corbell,
Cort,
Copeland,
Chandler,
Fox,
Gilkeath,
Grisson,
Hawkins, A. M.
Hawkins, Morris
Johnson, Adam
Johnson, J. H.
Kingston,
Kent,
Latta,
Murphy, J. M.

Messrs.

Murphy, Wm.
McCord,
Marshall,
McGehee,
Merritt,
McClure,
McVeigh,
Nunn,
Robinson,
Spears,
Stephenson,
Shepperson,
Stump,
Stewart,
Turner,
Warwick,
White,
Wheat,
Williams,
The Speaker.

Those who voted in the negative are:-

Messrs.

Cate,
Erwin,
Eagle,
Foster,
Gaines,
Hynds,
Harley,
Matthews
Mitchell,
Reid,

Messrs.

Robertson,
Sayler,
Shrigley,
Sumpter,
Thurman,
Thurmond.
Tillar,
Thornbury,
Walker,
Wright,

Those absent or not voting are:

Messrs.

Beardsley,
Beasley,
Bridenthal
Cleveland,

Messrs.

Hawkins, O. S.
Joslyn,
Joyner,
Lee,

Messrs.

Chapman,
Crowley,
Cunningham,
Dare,
Fishback,
Gist,
Jarrett,

Messrs.

Lynn,
Page,
Sexton,
Pindall,
Parish,
Rankins,
Sharpe and

So the bill was passed.

Mr Neal Brown moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to,

Under a suspension of the rules for that purpose.

On motion of Mr. Latta,

The House passed to the consideration of bills on a second reading reported by committees and not ordered engrossed, and

On motion of Mr. Wheat,

The House passed to the consideration of the bill of the House (H. R. 128) entitled An act to repeal section 4 of an act entitled an act to define and punish offences against the public peace and tranquility, approved July 23, 1868.

On motion of Mr. Corbell,

Ordered, That the bill be engrossed for a third reading and be made special order for 11 o'clock A. M. of Wednesday, March 12, 1873.

On motion of Mr. Latta

The House passed to the consideration of the bill of the House (H. R. 68) entitled An act to permit certain persons from practicing medicine in the state of Arkansas.

Mr. Kingston moved that the further consideration of the bill be indefinitely postponed,

Which was not agreed to

Mr. Chapline moved that the bill be amended by inserting the words "that no person shall be allowed to practice the profession of dentistry, without they have received their diplomas from some authorized college,"

Pending the consideration of the motion

The hour of 11 o'clock A. M., having arrived,

The House proceeded to consider the special order for that hour being the consideration of the bill of the House (No. 34) entitled An act to provide the mode of holding all general and special elections, registration of electors, secure the purity of the ballot, and to repeal an act entitled An act to provide for the election of all executive and judicial officers, members of the General Assembly, Representatives of the State in the Congress of the United States, and Presidential Electors, approved July 23, 1868; also to repeal an act to provide for a registration of the legal voters in the state of Arkansas, approved July 15, 1868, together with the report of the Committee on Registration recommending that the bill be amended by inserting after the word "not" in section 19, line 4 of the printed bill the words "less than one hundred nor", and by inserting in the same section, line 5, after the word "not" the words "less than one month nor" and that the word "and" after word "dollars", in section 51, line 4, be stricken out and the word "or" be inserted in lieu thereof.

Mr. Sumpter moved that the further consideration of the special order be postponed for 10 minutes.

Mr. Chaplin moved an amendment that the further consideration of the special order be postponed for 30 minutes,

Which was not agreed to,

The question then recurring on the motion that the further consideration of the special order be postponed for 10 minutes,

It was not agreed to

Mr. Sawyer moved that the further consideration of the special order be postponed until 11 o'clock A.M., of Wednesday March 12, 1873.

Mr. Robinson moved that the motion to postpone lie on the table.

Mr. Cate made the point of order, that the motion to lie on the table was a subsidiary motion to dispose of the motion

to postpone and was not admissable.

The Speaker ruled the point of order not well taken; and that prevalence of the motion to lie on the table would have the effect to postpone the consideration of the special order.

The question being on the motion that the motion to postpone be laid on the table.

It was not agreed to.

The question then recurring on the motion that the further consideration of the special order be postponed until 11 o'clock A. M. of Wednesday March 12, 1873.

Mr. J. H. Johnson moved that the further consideration of the special order be indefinitely postponed.

Mr. Ennis asked for the yeas and nays.

The question being put,

It was decided in the negation,—yeas 26, nays 42.

The yeas and nays being desired by five members,

Those who voted in the affirmation are:

Messrs.

Berry, C. E.
Brown, Neal
Brown, Chas. A.
Corbell,
Copeland,
Dare,
Fox,
Frudnick,
Gyrion,
Hawkins, A. H.
Hays,
Johnson, J. H.
Kingston,

Messrs.

Kent,
Murphy, Wm.
McCloud,
Marshall,
Penn,
Rawlins,
Robinson,
Speas,
Stephenson,
Shepherson,
Strong,
Wheat,
Williams,

Those who voted in the negation are:-

Messrs.

Berry, J. H.
Bailey,
Brickhouse,
Chapline,
Cort,

Messrs.

Hillen,
McCreight,
Matthews,
Mitchell,
Pindall,

Messrs.

Chandler,
Chapman,
Cate,
Cunn,
Eagle,
Foster,
Gist,
Gilbreath,
Hynds,
Harley,
Jolly,
Lyon,
Latta,
Murphy, J. M.
McGehee,
Merritt,

Messrs.

Reid,
Roberts,
Sayers,
Shuggley,
Shipp and,
Simpkins,
Tynes,
Thorn,
Thomason,
Tillar,
Thompson,
Warwick,
White,
Walker,
Wright
and Speaker.

So the motion to indefinitely postpone was not agreed to.

Mr. Sheppern moved that the further consideration of the special order be postponed until 11 o'clock and 30 minutes A. M., of Wednesday, March 12, 1873.

Which was not agreed to.

The report of the Committee on Registration was adopted and the amendments recommended by that committee were accordingly agreed to.

Mr. Warwick moved that the bill be amended by striking out section 3 of the bill, and inserting in lieu thereof the following section, viz:-

Sec. 3. Said judges and clerks of elections shall be chosen at the general election in the year 1874, and at each biennial election thereafter; Provided, That for the purpose of the general election of 1874, and any special election that may be ordered prior thereto, the county courts, or other board managing the affairs of counties, shall immediately appoint three judges and one clerk of election for each election precinct, who shall possess all the powers and perform all the duties imposed on judges and clerk of elections by this act except that in cities they shall be appointed by the city council;

Mr. J. H. Johnson moved that the motion to amend be laid on the table.

Mr. Sumpter asked for the yeas and nays.

The question being put,

It was decided in the negative. — yeas 32 nays 39.

The yeas and nays being decided by five members.

Those who voted in the affirmative are:—

Messrs.

Berry, C. E.
Bynum, Neal
Bynum, Chas. F.
Chapline,
Corbell,
Coit,
Copeland,
Fox,
Grayson,
Hankins, A. M.
Hankins, Monroe
Harris,
Jarboe,
Johnson, Adam
Johnson, J. H.
Kingston.

Those who voted in the negative are:

Messrs.

Kent,
Mumpbus, New
McLeod,
Marshall,
Millen,
Page,
Rankins,
Robinson,
Shappard,
Spears,
Stephenson,
Shipperson,
Strong,
Stewart,
Wheat,
Williams.

Those who voted in the negative are:

Messrs.

Berry, J. H.
Bagley,
Bridenthal,
Chandler,
Chapman,
Cate,
Davis,
Ewing,
Eagle,
Fairbank,
Fizer,
Gist,
Gilbreath,
Grider,
Harley,
Snyder,
Talta

Messrs.

McVeigh
Matheny,
Mitchell,
Pindall,
Reid,
Robertson,
Sarber,
Shingley,
Sumpter,
Turner,
Thurman,
Thomason,
Tillar,
Tomlinson,
Wagnick,
White,
Walker,

Messrs.

Murphy, J. Mc.
McGehee,
Merritt,

Messrs.

Wright,
The Speaker.

So the House refused to lay the motion to amend on the table.

The question recurring on the motion to amend,

Mr. Millen moved that the motion be amended by striking out the word "two" wherever the word occurs in the motion and that the word "four" be inserted in lieu thereof.

Mr. Neal Brown moved that the further consideration of the bill and amendments be postponed and made special order for 11 o'clock A. M. of Monday, March 24, 1873.

Mr. Millen asked for the yeas and nays

The question being put,

It was decided in the negative, - yeas 30, nays 40.

The yeas and nays being desired by five members,

Those who voted in the affirmative are:-

Messrs,

Brown, Neal
Brown, Chas. F.
Chapline,
Corbell,
Cort,
Copeland,
Fox,
Grimm,
Hankins, A. M.
Hankins, C. S.
Hankins, Monroe
Davis,
Jorlyn,
Johnson, Adam
Kitzmiller, J. H.
Kingston,
Kent,
Lee,
Murphy, Wm.
McLeod,
Marshall,
Millen,
Rankin,
Robinson,
Shrigley,
Speer,
Stephenson,
Stewart,
Wreat,
Williams,

Those who voted in the negative are:-

Messrs,

Beny, J. H.
Brinkerhoff,
Mayhew,
Mitchell,
Nunn,

Messrs.

Chandler.
Chapman.
Cate.
Ennis.
Eagle.
Fairbank.
Foster,
Gist,
Gilbreath.
Haynes.
Harley.
Haynes.
Latta,
Murphy, J. Mc.
McGehee.
Merritt,
McVeigh.

Messrs.

Pindall.
Reid.
Robertson.
Sabin.
Sheppard.
Shepperson.
Strong,
Sumpter.
Turner,
Thomas,
Thomason
Tillman,
Thurmond
Warnick.
White,
Walker.
Wright.

So the House refused to postpone the Tillman amendments until 11 o'clock A. M. of Monday, March 24, 1873.

Mr. Chaplin moved that the bill and amendments lie on the table and be made special order for 11 o'clock A. M. of Wednesday, March 12, 1873.

Mr. Sumpter asked for the yeas and nays.

The question being put.

It was decided in the negative, yeas 30, nays 40,

The yeas and nays being desired by five members.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Brown, Neal
Brown, Chas. J.
Chaplin,
Cyrbell,
Cox,
Copeland,
Fox,
Grissom,
Hawkins, A. M.

Messrs.

Kent.
Murphy, Wm.
McLeod,
Marshall,
McAllen,
Nixon,
Rainbin.
Robinson,
Spears,
Stephenson.

Messrs.

Hopkins, Moses
Harris.
Johnson, Adam
Johnson, J. M.
Kingston.

Messrs.

Shepherson,
Strong,
Stewart,
Wheat,
Williams.

Those who voted in the negative are;

Messrs.

Berry, J. M.
Beasley,
Breidenthal,
Chandler,
Chapman,
Cate,
Davis,
Ennis,
Eagle,
Firebrush,
Foster,
Gist,
Gilbreath
Hynds,
Harley,
Joyner,
Letts,
Murphy, J. M.
McIntire,
Merritt.

Messrs.

McVeigh,
Matheny,
Mitchell,
Pysdall,
Reid,
Robertson,
Sayler,
Shrigley,
Shappard,
Sumpter,
Turner,
Thurman,
Throckmorton,
Tilden,
Thornburg,
Wamick,
White,
Walker,
Wright,
The Speaker.

So the motion was not agreed to.

The question being on the motion that the motion to amend be amended by striking out the word "two" wherever it occurs and inserting in lieu thereof the word "four"

After debate,

Mr. Robinson, at 1 o'clock and 47 minutes P.M. moved that the House adjourn.

Which was not agreed to.

Mr. Neal Brown moved that the bill and pending amendments be recommitted to the Committee on the Judiciary, and also asked for the yeas and nays.

The question being put,

It was decided in the negative, - yeas

31, nays 39,

The yeas and nays being desired by five members,

Those who voted in the affirmative are:-

Messrs.

Brown, Neal
Brown, Chas. F.
Chapline,
Corbell,
Cort,
Copeland,
Fox,
Grimm,
Hawkins, A. M.,
Hawkins, O. S.
Hawkins, Homer
Davis,
Dolph,
Johnson, Adam
Johnson, J. M.
Kingston,
Kent,
Murphy, Wm.
McLeod,
Marshall,
Miller,
Nyswonger,
Rawlins,
Robinson,
Shipley,
Shepherd,
Spears,
Stephenson,
Stewart,
Wheat,
Williams.

Those who voted in the negative are:-

Messrs.

Berry, C. C.
Berry, J. M.
Bellamy,
Bridgewater
Chandler,
Chapman,
Cole,
Ennis,
Engle,
Fairbrush,
Foster,
Fitch,
Gilbreath,
Hynds,
Harley,
Joyner,
Letts,
Murphy, J. M.
McGehee,
Merritt,
McVeigh,
Matthews,
Mitchell,
Pridgeon,
Reid,
Robertson,
Sauber,
Shepherson,
Strong,
Sandefur,
Turner,
Thomas,
Thurman,
Tilton,
Thornburg,
Wagnick,
White,
Walker,
Wright,

So the motion was not agreed to.

The question again recurring on the motion that the motion to amend be amended by striking out the word "two" wherever it occurs and inserting in lieu thereof the word "four".

Mr. Sauber moved the previous question, which was seconded, and the main question ordered off:- Shall the motion be agreed to?

The question being put,

It was decided in the negative, — yeas 25, nays 40,

The yeas and nays being desired by five members

Those who voted in the affirmative are:-

Messrs.

Bynum, Seal
Bynum, Chas. F.
Chapline,
Cox,
Copeland,
Grissom,
Hankins, A. M.
Hankins, O. S.
Hankins, Moses,
Johnson, J. M.
Kingston,
Kent,
Marshall,

Messrs.

Millen,
Nunn,
Rawlins,
Robinson,
Shrigley,
Sheppard,
Spears,
Stephenson,
Shepperson,
Stewart,
Wheat,
Williams,

Those who voted in the negative are:

Messrs.

Berry, C. E.
Berry, J. M.
Beasley,
Bridenthal,
Chandler,
Chapman,
Cate,
Crain,
Eagle,
Fairbush,
Foster,
Gist,

Messrs.

McGehee,
Merritt,
MacVeigh,
Mahoney,
Mitchell,
Pruden,
Reid,
Robertson,
Sauber,
Sloan,
Sanderlin,
Turner,

Messrs.

Gilpraith
Mains,
Hynds,
Hadley,
Jolly,
Joyner,
Letts,
Murphy, J. M.

Messrs.

Thorne,
Hunnicutt,
Tillar,
Thornburg,
Warwick,
White,
Walker,
Wright,

So the motion was not agreed to.

The question then recurring on the original motion,

After discussion,

Mr. Warwick moved that the motion to amend be amended by inserting after the words in "in this act" the following proviso, viz:-

"Provided that if there be any special election ordered throughout the state prior to the general election of 1874 said judges and clerk of election shall be elected at such special election."

Pending the consideration of the motion,

On motion of Mr. Chaplin,

Ordered, That there be a call of the House.

The roll being called, it appeared that the following named members were absent without leave, viz:-

Messrs. G. E. Berry, Neal Brown, Chas. F. Brown, L. L. Corbell, Joseph Cleveland, W. L. Copeland, O. S. Hawkins, Adgate Johnson, S. M. McLeod, R. J. Page, H. B. Shapard, J. L. Stephenson, and A. Shipman.

Mr. Barber moved that the further proceedings in the call of the House be dispensed with.

Mr. Chaplin asked for the yeas and nays.

The question being put,

It was decided in the affirmative, —— yeas 43, nays 13,

The yeas and nays being desired by five members,

Those who voted in the affirmative are:-

Messrs.

Berry, J. M.
Brandeley,
Brindenthal,

Messrs.

McGehee,
McVeigh,
Maithany,

Messrs.

Chapman,
Cate,
Erwin,
Eagle,
Fox,
Fowler,
Gist,
Gilbreath,
Grissom,
Harris,
Hynds,
Harley.
Jordyn,
Johnson, J. H.,
Joyner,
Kingston.
Latta,
Murphy, J. H.,
Murphy, Wm.

Those who voted in the negative are:-

Messrs.

Chapline.
Gat.
Hankins, A. H.,
Hankins, Messrs,
Kent,
Miller,
Nunn

Messrs.

Mitchell,
Pridall,
Reid,
Robertson,
Sarber,
Shuiglay,
Strong,
Sneadgrass,
Turner,
Thorne,
Thomason,
Tillar,
Thornburg,
Warwick,
White,
Walker,
Wright,
The Speaker.

Messrs.

Rankins,
Robinson,
Spears,
Stewart,
Wheat,
Williams,

So the further proceedings in the call of the House was dispensed with.

The question then recurring on the motion to amend be amended by inserting after the words "in this act" the words "Provided, that if there be any special election ordered throughout the state, prior to the general election of 1874, said judges and clerk of election, shall be elected at such special election."

Mr. Warwick moved the previous question which was seconded, and the main question ordered, viz: Shall the amendment be agreed to?

Mr. Miller asked for the yeas and nays. The question being put,

It was decided in the affirmative.— yeas 41, nays 16,

The yeas and nays being desired by five members,

Those who voted in the affirmative are:—

Messrs.

Berry, J. M.
Beasley,
Brideuthal,
Chandler,
Chapman,
Cate,
Ennix,
Eagle,
Blackwell,
Foster,
Gist,
Gilbreath,
Hynds,
Hadley,
Jolyn,
Joyner,
Latta,
Memphy, J. M.
Memphy, Pru.
McGehee,
Merritt,

Messrs.

McHugh,
Matheny,
Mitchell,
Pizzalla,
Reid,
Robertson,
Sauber,
Shipley,
Strong,
Sumpter,
Turner,
Thurman,
Thyman,
Tilbar,
Thornburg,
Warwick,
White,
Walker,
Wright,
The Speaker,

Those who voted in the negative are:—

Messrs.

Chaplin,
Cort,
Grimm,
Hawkins, A. M.
Hawkins, Homer
Johnson, J. M.
Kingston,
Kelly

Messrs.

McAllen,
Nunn,
Rawlins,
Robinson,
Spears,
Stewart,
Wheat,
Williams.

So the amendment was agreed to,

The question then recurring on the original motion as amended,

Mr. McAllen asked for the yeas and nays,

The question being put,

It was decided in the affirmative,—

year 42, nays 16,

The yeas and nays being decided by five members,

Those who voted in the affirmative are:-

Messrs.

Berry, J. M.
Bexley,
Bridenthal,
Chandler,
Chapman,
Cate,
Ennis,
Eagle,
Fairbrush,
Foster,
Gist,
Gilbreath,
Hynds,
Harley,
Jaclyn,
Johnson, Adams
Joyner,
Latta,
Murphy, J. M.
Murphy, Wm.
McClellen,

Merritt,
McVeigh,
Matheny,
Mitchell,
Pizdale,
Reid,
Roberts,
Saber,
Shrigley,
Spring,
Sandpeter,
Joyner,
Thomas,
Thurman,
Tilden,
Thornburg,
Warwick,
White,
Walker,
Wright,
The Speaker.

Those who voted in the negative are:-

Messrs.

Brown, Chas. F.
Copeland,
Gibson,
Hankins, A. H.
Hankins, Thomas.
Johnson, J. H.
Kingston,
Kent,

McAllen,
Nunn,
Rawlins,
Robinson,
Speas,
Stewart,
Wheat,
Williams,

So the amendment was agreed to.

Mr. Kingston moved that section 3 of the bill as amended be further amended be further amended by inserting after the word, "cities" the words "of the first class"

After further debate,

Mr. J. M. Berry moved the previous ques-

tion, which was seconded, and the main question ordered. viz: Shall the amendment be agreed to?

Before the question was put,
Mr. Neal Brown called for the reading of the bill.
The Speaker (Mr. Saben in the chair) decided that the question must be put without further, debate, delay or consideration, and that the reading of the bill or any other paper was not in order.
Mr. Chapline appealed from the decision of the chair.
The question being put. Shall the decision of the chair be sustained.
It was decided in the affirmation,
So the decision of the chair was sustained.

Mr. Miller asked for the year and nays.
The question then being put. Shall the amendment be agreed to?
It was decided in the affirmation.—
year 4, nays,
The year and nays being denied by five members.
Those who voted in the affirmative are:—

Messrs.

Berry, J. M.
Brown, Neal
Brown, Chas. F.
Beasley,
Brideuthal,
Chapline,
Chandler,
Chapman,
Cate,
Ennis,
Eagle,
Fox
Fairbanks,
Foster,
Get,
Gilbreath
Hankins, Mason
Harris,

Messrs.

Murphy, J. M.
Murphy, Chas.
Mockbee,
Merritt,
Mcveigh,
Matthews,
Mitchell,
Robertson,
Robinson,
Saben,
Spears,
Stephenson,
Shepherson,
Stump,
Symples,
Thorn,
Thomas,
Tilton,

Messrs. Hynds, Harley, Jordyn, Johnson, J. H., Joyner, Kingston,

Messrs. Jhornburg, Warnock, White, Walker, Williams, Wright.

Those who voted in the negative are:-

Messrs. Cobell, Kent, Miller, Pridgett,

Messrs. Rankin, Shrigley, Wheat.

So the amendment was agreed to.

Mr. Fox moved that the bill be further amended by striking out in section 23 the words "not exceeding sixty days or by fine not exceeding one hundred dollars and may commit the offender to jail until the fine so imposed be paid or he be otherwise discharged according to law" and inserting in lieu thereof the words "not exceeding two days or by fine not exceeding five dollars and may commit the offender to jail until the fine so imposed be paid or be be otherwise discharged according to law", and also moved the previous question, which was seconded, and under the operation thereof the motion was agreed to.

Mr. J. H. Johnson moved that the further consideration of the subject be postponed and be made special order in the Committee of the Whole House for 11 o'clock A. M. of Wednesday, March 12, 1873.

After discussion.

Mr. Kingston made the point of order that the Speaker pro tempore was improperly in the chair, having been called to the chair by Mr. Barber who was named by the Speaker to perform the duties of the chair.

The Speaker (Mr. White in the chair) ruled the point of order not well taken.

Mr. Kingston appealed from the decision of the chair.

The question being put, shall the decision of

the chair be sustained,

It was decided in the affirmation,

So the decision of the chair was sustained,

The question then being on the motion that the further consideration of the subject be postponed and be made special order, in Committee of the Whole House, for 11 o'clock A. M., of Wednesday, March 12, 1873,

It was not agreed to,

Mr. Mellen moved that the bill be further amended by striking out, in section 4, all after the word "respectively" in the 6th line, and also by striking out all after the word "state", in the 4th line, to the word "and." in the 5th line,

Pending the consideration of the motion,

Mr. Foster, at 3 o'clock and 26 minutes, P. M., moved that the House adjourn,

Which was not agreed to,

The question being on the motion that the bill be further amended by striking out, in section 4, all after the word "respectively," in the 6th line, and also, by striking out all after the word "state" in the 4th line to the word "and" in the fifth line,

Mr. J. M. McMurphy moved the previous question which was seconded and the main question ordered, viz:- Shall the amendments be agreed to?

Mr. Mellen asked for the yeas and nays.

The question being put,

It was decided in the negation - yeas 9, nays 37,

The yeas and nays being desired by five members,

Those who voted in the affirmation are:-

Messrs.

Brown, Neal
Pierce,
Hawkins, A. M.
Foster,
Johnson, J. R.

Messrs,

Mellen,
Robinson,
Wheat,
Williams,

Those who voted in the negation are:-

Messrs,

Berry, J. M.
Blandford,
Chandler,

Messrs,

McVeigh,
Matheny,
Nunn.

Messrs.

Chapman,
Cate,
Eppes,
Eagle,
Firebrush,
Foster,
Gist,
Gilbreath,
Hayes,
Hagler,
Latta,
Murphy J. M.,
Murphy, Wm.
Marshall,
McGehee,
Merritt,

Messrs.

Pigdall,
Reid,
Robertson,
Shipley,
Shapard,
Sumpter,
Tynes,
Thom,
Thomas,
Tillar,
Thornburg,
Yarnick,
White,
Walker,
Wright,

So the amendment was not agreed to.

Mr. J. H. Berry moved that the bill as amended be ordered engrossed for a third reading and be made special order for 11 o'clock A.M., of Thursday, March 13, 1873.

Mr. McGehee moved the previous question, which was seconded, and under the operation thereof the motion was agreed to,

And then,

On motion of Mr. McLeigh,

The House at 3 o'clock and 40 minutes P.M., adjourned,

Approved

Speaker.

Attest

Clerk.

Tuesday, March 11, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:—

Messrs. C. E. Berry, J. H. Berry, Chas. F. Brown, Beasley, Bridenthal, Chapline, Cantrell, Cleveland, Copeland, Chandler, Chapman, Cate, Cummings, Dane, Eppes, Eagle, Fox, Firebrush, Foster, Gist, Gilbreath, Gris-

son. Mowrey. Hankins. Harris. Haynes. Hailey. Jolly. Jones. Kellam Johnson. J. H. Johnson. Joynes. Kerigan. Keet. Lee. Latta. Mr. Murphy. Merritt. Miller. McKeigle. Matheny. Mitchell. Nunn. Page. Pindall. Parrish. Rankins. Reid. Roberson. Robinson. Saber. Shriglay. Sharpaud. Spear. Stephenson. Shepperson. Strong. Saunders. Stewart. Turner. Thomas. Thornton. Warwick. White. Wheat. Walker. Wright. The Speaker.

Prayer by the Chaplain.

The journal of Monday was read and approved.

On motion of Mr. Haynes.

Leave of absence was granted Mr. J. S. Preston for 4 days.

Mr. Cunningham moved that the rules be suspended and that he be allowed to submit a motion.

Which was not agreed to (two thirds of the members present not voting therefor)

On motion of Mr. Thornton.

The House proceeded, under the regular order of business, to consider the bill of the Senate (S.58) entitled An act to create the county of Clayton and for other purposes.

Pending the reading of the bill:-

By direction of the Speaker:

The clerk was directed to return the bill to the Senate, requesting their concurrence in the amendments recommended thereto by the Committee on Counties and County Lines, and the return of the bill to the House for further consideration after its reengrossment.

Under a suspension of the rules for that purpose.

Mr. Shepperson introduced a bill (H. R. 237) entitled An act exempting the household and kitchen furniture from taxation.

Which was read a first time.

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title and referred to the Committee on the Judiciary.

Under a suspension of the rules for that purpose,

Hon. Mullen introduced a bill (H.R.238 entitled An act to protect tax payers in their rights.

Which was read a first time.
By unanimous consent,
Under a suspension of the rules,
The bill was read a second time by title, and
On motion of Hon. Mullen,
The bill was referred to the Committee on the Judiciary with instruction to report the same on the morrow.

A message from the Senate by Hon. Orrick their Secretary, viz:-

Senate Chamber March 10. 1873.

Mr. Speaker:- I am instructed by the Senate to inform your honorable body of the passage by the Senate of (H.B. No. 206) entitled an act to provide for the payment of Registers and Receivers of United States Land offices locating, listing posting and certifying to the state, lands granted thereto under the several acts of Congress, and herewith return the same.

The hour of 11 o'clock A.M. having arrived being the hour set for the consideration of the bill of the House (H.R. 219) entitled An act to change the boundary line between the counties of Lawrence and Randolph,

On motion of Hon. McGehee,

Ordered, That the consideration of the special order be postponed for 15 minutes.

And,

Under a suspension of the rules for that purpose,

On motion of Hon. McGehee

The House passed to the consideration of the order of business of introduction of bills.

Hon. McGehee introduced a bill (H.R. 239) entitled An act to establish and organize the county of Toney and for other purposes.

By unanimous consent

Under a suspension of the rules,

The bill was read a first and second time by title and referred to the Committee on Counties and

County Lines,

Mr. Suber introduced a bill (H. R. 240) entitled An act to create the county of Liberty and for other purposes,

By unanimous consent,

Under a suspension of the rules,

The bill was read a first time by title,

Mr. Pindall moved that the bill be rejected,

After debate,

Mr. Chaplin moved the previous question which was seconded and under the operation thereof the motion was agreed to, and the bill was accordingly rejected,

The hour of 11 o'clock and 15 minutes A. M., having arrived, being the hour to which the consideration of the special order set for 11 o'clock A. M. was postponed,

On motion of Mr. Pindall,

The consideration of the special order was further postponed until 12 o'clock M,

Mr. Fox introduced a bill (H. R. 241) entitled An act to enable and authorize the Governor to enforce the laws of the state,

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title, and

On motion of Mr. Fox,

Ordered, That the bill lie on the table and be made special order for a third reading for 11 o'clock A. M. on the morrow,

Mr. Turner introduced a bill (H. R. 242) entitled An act to create the county of Wilson, and for other purposes,

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title and referred to the Committee on Counties and County Lines,

Mr. Nunn introduced a bill (H. R. 243) entitled An act to establish the lines between Searcy and Van Buren counties,

By unanimous consent,

Under a suspension of the rules.
The bill was read a first and second time by title and referred to the Committee on Counties and County Lines.
Mr. White introduced a bill (H. R. 244) entitled An act for the relief of Thomas H. Scott, late sheriff and ex-officio collector of Sebastian county, Arkansas.
Which was read a first time,
Mr. Chapline moved that the bill be rejected,
After debate,
Mr. Corbell, moved the previous question which was seconded and under the operation thereof the motion was disagreed to,
Under a suspension of the rules,
The bill was read a second time by title and
On motion of Mr. Cate,
Was referred to the Committee of Ways and Means,
The hour of 12 o'clock M., having arrived being the hour to which the special order set for 11 o'clock A. M. was postponed,
On motion of Mr. Corbell,
The consideration of the special order was further postponed until 1 o'clock P. M.
And under a suspension of the rules for that purpose
On motion of Mr. Rudwick,
The House passed to the consideration of the orders of business of introduction of bills, motions, resolutions and notices, and reports of standing committees,
Mr. White introduced a bill (H. R 245) entitled An act for the relief of collectors of revenue, and other purposes,
Which was read a first time,
By unanimous consent,
Under a suspension of the rules,
The bill was read a second time by title, and referred to the Committee of Ways and Means,
Mr. McVeigh introduced a bill (H. R. 246) entitled an act for the relief of Loyd D Ward.

of Mississippi county.

Which was read a first time,
By unanimous consent,
Under a suspension of the rules.
The bill was read a second time by title, and
On motion of Mr. Latta,
Was referred to the Committee on the Judiciary.
Mr. Latta introduced a bill (H. R. 2471 entitled An act to dispose of certain lands and lots in which the Arkansas State Bank or the State of Arkansas has a legal or equitable interest and for the collection of purchase money on such lands or lots,

By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second time by title, and,
On motion of Mr. Latta,
Was referred to the Committee on the Judiciary.

Mr Latta, also, introduced a bill (H. R 2480) entitled An act for the relief of the purchasers of the land in Hot Spring county, formerly belonging to Oakley and Finley, which were mortgaged to the Real Estate Bank, and which were afterwards forfeited to the State for taxes and sold by the Auditor,

By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second time by title, and,
On motion of Mr. Latta,
Was referred to the Committee on the Judiciary.
Mr. Latta, also, introduced a bill (H. R. 2491 entitled An act for the relief of the present owner of the equity of redemption in the lands mortgaged to secure the state of Arkansas for bonds issued to the Real Estate Bank, and the owners or occupants of land mortgaged which has been sold under decree of the Chancery Court of Pulaski county,

By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second time by title, and,
On motion of Mr. Latta,
Was referred to the Committee on the Judiciary.

Mr. Cort introduced a bill (H. R. 250) entitled An act to repeal an act to grant the swamp and overflowed lands in the Champagnolle swamp land district, as stuck in the Mississippi, Ouachita, and Red River Railroad Company, approved January 16, 1861,

By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second time by title and was referred to the Committee on the Judiciary.

Mr. Joslyn gave notice of the introduction of a bill to be entitled An act providing against the collection of the levee tax on lands not protected by levees.

Mr. Kingston from the Committee on State Lands, to whom was referred the resolution instructing that committee to consider the propriety of blending the duties of Commissioner of State Lands and Immigration with that of Public Works, returned the same and submitted the following report thereon, together with the accompanying resolution, which were read:-

To the Speaker of the House of Representatives:-

Your Committee on State Lands having under consideration a resolution requiring said committee to examine into the office of state lands and immigration, and report the expediency of uniting the same with the office of commissioner of public works, and also various bills touching the subject of the lands of the state, and the manner in which the said office of commissioner of immigration and state lands has been conducted, beg leave to make

the following report,

First, — As relates to the expediency of consolidating the two offices, your committee is of the opinion that the office of commissioner of immigration and state lands is indivisible. made so by the constitution, and that if it were possible under existing laws to so separate them, as to leave the land office existing and a separate institution, they would most heartily recommend the same. But your committee is of the opinion that to consolidate the offices that are now together with that of commissioner of public works would only be adding additional confusion to a department which has already suffered much from the complexity and union of powers in one person, thus rendering it nearly an impossibility to trace to the bottom the bottom the huge frauds which have robbed the state of many thousands of acres of its most fertile bottom lands; and, as the state becomes populous, the lands department becomes one of direct interest to each individual, It is in fact, the most important office to all classes of people in the state; and your committee do not deem the amount of expenses saved by a consolidation as equal to the benefit to be derived from retaining it as now organized, We have carefully examined the office, and find the same in a bad condition, owing to the different branches of the land office being consolidated, and the records imperfectly kept, during the war and for some time since; also, many of the plats are in a state of decay, and, as we are informed by testimony deduced before us there are no records whatever of certain donations from the United States to this state,

In order that this matter may be more fully understood, we submit herewith the report of the present commissioner on this subject, asking for an appropriation to place the office on a condition to preserve the records

Your committee are of the opinion that the ways and means committee should reduce the salary of the commissioner to at least $2000 if the perquisites of the office are allowed to exist as at present and go to the commissioner, which legislation, together with the appropriation herewith reported, they think will be efficient to place the office in a good condition.

Your committee herewith report a bill providing for the foreclosure of the mortgages due the state from the western division of the Real Estate Bank of the state of Arkansas, and recommend that the same do pass.

Second.- Your committee, having under consideration the past management of the office, find that the former incumbent and his deputy allowed and, by their aid and advice, aided and abetted in managing the said office not a position of honor to the State, but a huge swindling machine for the purpose of filling their own pockets, and subserving their own ends, all of which appear from evidence of numerous witnesses, who testified before said committee, which show the following state of facts among others, viz:

1. That at the April sale of lands made last part the majority of all the lands sold, were awarded to three persons, viz: W. D. Warnick, as attorney for the Little Rock, Pine Bluff and New Orleans railroad company; D. C. Duell, and one Ennis of Clarendon.

2. That these bids, at least two of them were not awarded in the order they were filed but in accordance with prior arrangements made with the commissioner.

3. That the lands listed in the name of W. D. Warnick were in fact for a certain railroad for which he (Warnick), was the attorney and J. M. Lewis was the president, and that he (Warnick) had no interest in the entries directly or indirectly.

4, That the applications are all filled out by the deputy commissioner, Mr. Austin, and handed to him (Warwick) to sign, which he did, and that the same are transmitted to the railroad president (Commissioner Lewis) in blank.

In view of these facts, your committee would respectfully recommend that the commissioner or president of the road, as it may be, granted no title to said lands; that it was but a mere scheme to change the title of the land from the state to the commissioner, done through said commissioner and his deputy, Mr. Austin; and in view of the above facts, your committee submit the following and accompany my resolution, all of which is respectfully submitted,

Resolved, That the attorney general be and he is hereby requested to take such measures as he thinks best adapted to recine to the state the lands claimed to be purchased in applications, from No. 2215 to 2252, inclusive,

On motion of Mr. Warwick

Ordered, That the report lie on the table and be made special order for 11 o'clock A. M., of Friday, March 14, 1873.

Mr. Kingston, also, from the Committee on State Lands introduced a bill (H. R. 257) entitled An act to authorize and provide for the foreclosure of mortgages to the state in the interest division of the Real Estate Bank of the State of Arkansas.

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title, and

On motion of Mr. Kingston,

Ordered, That one hundred and fifty copies be printed for the use of the House, and that the bill be referred to the committee on the Judiciary.

Mr. Kingston, also, from the same committee, introduced a bill (H. R. 252)

entitled An act to provide for the preservation and classification of the records in the department of immigration and state lands, and for other purposes,

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title, and

On motion of Mr Warwick,

Ordered, That the bill lie on the table and one hundred and fifty copies be printed for the use of the House, and be made special order for 10 o'clock A.M., of Monday, March 17, 1873.

Mr. Page from the Committee on the Judiciary to whom was referred the bill of the House (H. R. 235) entitled An act for the relief of the sureties of H. B. Williams, late sheriff and collector of Hempstead county, reported the same and recommended its passage.

On motion of Mr Page,

Ordered, That the bill just reported be engrossed and made special order for 10 o'clock and 10 minutes A.M., on the morrow.

Mr. Fox, from the same committee to whom was referred the bill of the House (H. R 211) entitled An act for the more efficient administration of the criminal laws of this state; the apprehension and arrest of criminals; and the establishment of a metropolitan police district of the state of Arkansas, and for the government of the same, reported the same and recommended its passage,

On motion of Mr Chapline

Ordered, That the bill lie on the table and be made special order, in the Committee of the Whole House for 10 o'clock and 30 minutes A.M., of Saturday March 15, 1873.

The hour of 1 o'clock P.M. having arrived, being the hour set for the consideration

tion of the special order set for 11 o'clock A.M. ...

On motion of Mr. Sumpter,

The consideration of the special order was postponed until 2 o'clock P.M.,

And,

Mr. Fox from the Committee on the Judiciary, to whom was referred the bill of the House, (H. R. 182) entitled An act for the relief of Lincoln county, reported the same and recommended that the bill be referred to the Committee of Ways and Means,

The report of the committee was adopted and the bill was accordingly referred to the Committee of Ways and Means.

Also, from the same committee, to whom was referred the bill of the House (H. R. 87) entitled An act to authorize counties to subscribe stock in manufacturing companies within their limits, reported the same with the recommendation that the bill be not passed.

Also from the same committee, to whom was referred the bill of the Senate (S. 55) entitled An act to authorize duly appointed examiners to take acknowledgements of deeds, mortgages, and other conveyances of real and personal property, and powers of attorney, and other instruments, reported the same and recommended its passage.

Also, from the same committee, to whom was referred the bill of the House (H. R. 188) entitled An act to encourage the introduction of thorough-bred live stock into this state, reported the same with the recommendation that the bill be amended by striking out section 4, and that the succeeding section be renumbered in its order,

The report of the committee was adopted and the amendment was accordingly agreed to,

And,

On motion of Mr. Davis,

Ordered, That the bill be engrossed for a

third reading and be made special order for 10 o'clock and 30 minutes A. M. of Friday, March 14, 1873,

Mr. Sumpter introduced a bill (H. R. 253) entitled An act to change the time of holding Hot Spring county circuit court,

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title,

On motion of Mr. Warnock,

The rules were further suspended (two-thirds of the members present voting therefor); and,

The bill was read a third time, and placed upon its passage,

The question being, "Shall the bill pass?"

It was decided in the affirmative,—

Yeas 57, nays none, not voting 25,

Those who voted in the affirmative are;-

Mr. Speaker,

Berry, C. E.	Marshall,
Berry, J. H.	Merritt,
Bilderback,	McVeigh,
Chaplin,	Matheny,
Cleveland,	Mitchell,
Copeland,	Nunn,
Chandler,	Pindall,
Chapman,	Rambo,
Cate,	Reid,
Cunningham,	Robertson,
Davis,	Robinson,
Ennis,	Shipley,
Eagle,	Speads,
Fisk,	Shepperson,
Foster,	Story,
Gist,	Sumpter,
Grissom,	Stewart,
Hawkins, Monroe	Thurman,
Harris,	Thrasher,
Hynds,	Tillar,
Harlow,	Turnbury,
Jordan,	Warnock,

Messrs.

Johnson, Adam
Johnson, J. M.
Kingston,
Latta,
Murphy, J. M.
Murphy, Wm.
McLeod,

Nine voting in the negative.

Those absent or not voting are:-

Messrs.

Beardsley,
Bunn, Neal
Bunn, Chas. F.
Beasley,
Corbett,
Cox,
Crowley,
Funderburk,
Gilreath,
Jeffords,
Hawkins, A. M.
Hawkins, O. S.
Joyner,

So the bill was passed.

Mr. Chapline from the Committee on Public Expenditures, introduced a joint resolution (H. J. Res. 191) a joint resolution proposing to amend section 3, article 7, of the constitution,

Which was read a first time.

By unanimous consent,

Under a suspension of the rules,

The joint resolution was read a second time by title, and

On motion of Mr. Corbett,

Was referred to the Committee on the Judiciary.

Mr. Warwick from the Committee of Ways and Means to whom was referred the bill of the House (H. R. 116) entitled An act to prevent frauds against the revenue of the state, and for other purposes, reported the

Messrs.

White,
Wheat,
Walker,
Williams,
Wright,
The Speaker,

Messrs.

Kent,
Lee,
Lynn,
McAlpine,
Millen,
Page,
Preston,
Parrish,
Sauber,
Sheppard,
Stephenson,
Turner,

eque and submitted the following report thereon, viz:—

Mr. Speaker:— Your Committee of Ways and Means have had under consideration House bill 116 to be entitled An act to prevent frauds against the revenue of the state, and for other purposes

Your committee believing that the enactment of this bill will return to taxation a vast area of land that has been fraudulently, under cover of law, withdrawn from the taxlists, recommend its passage.

Mr. Latta moved that the bill be ordered engrossed and be made special order for 12 o'clock M., of Friday, March 14, 1873.

Pending the consideration of the motion,

On motion of Mr. Chapline,

The House, at 10 o'clock and 45 minutes P.M., adjourned.

Approved

Speaker.

Attest

Clerk.

Wednesday, March 12, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:—

Messrs. C. E. Berry, J. H. Berry, Neal Brown, Beasley, Breidenthal, Chapline, Corbell, Cleveland, Copeland, Chandler, Chapman, Cate, Cunningham, Davis, Ennis, Eagle, Fox, Furbush, Foster, Giet, Gilbreath, Grissom, A. M. Hawkins, O. S. Hawkins, Monroe Hawkins, Hynds, Harley, Jorlyn, Adam Johnson, J. H. Johnson, Kingston, Kent, Lee, Lynn, Murphy, J. M. Murphy, Mrs. McLeod, Marshall, McGehee, Mansell, Millen, McVeigh, Matheny, Mitchell, Page, Preston, Pindall, Parish, Rawlins, Reid, Robertson, Robinson, Sayler, Shipley, Shappard, Spears, Stephenson, Shepperson, Shinn, Sumpter,

Stewart, Thomas, Thomason, Tilden, Thornburg.
White, Walker, Wilbourn, The Speaker.

Prayer by the Rev. Mr. M. S. Snyder.

Pending the reading of the journal of the preceding day,

On motion of Mr. Page,

The further reading of the journal was dispensed with, and

The hour of 10 o'clock and 10 minutes A. M. having arrived,

The House proceeded to consider the special order set for that hour, being the consideration of the bill of the House (H. R. 235) entitled An act for the relief of the sureties of H. B. Williams, late sheriff and collector of Hempstead county.

Mr. Sumpter moved that the consideration of the special order be postponed for 30 minutes.

Which was not agreed to.

The bill was then read a third time and placed upon its passage.

After debate,

A message from the Senate by Mr. Minnick their Secretary, viz:-

Senate Chamber, March 11, 1873

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of (S. B. No. 109) entitled An act for the relief of Thomas A. Sanders, and herewith transmit the same for your favorable consideration.

The House resumed consideration of the bill of the House (H. R. 235) entitled An act for the relief of the sureties of H. B. Williams late sheriff and collector of Hempstead county.

After further debate,

The hour of 11 o'clock A. M. having arrived, being the hour set for the consideration of the bill of the House (H. R. 241) entitled An act to enable and authorize the Governor to enforce the laws of the State, and also the bill of the House (H. R. 128) entitled An

act to repeal section 4 of an act entitled An act to define and punish offences against the public peace and tranquility approved July 23, 1868

On motion of Mr. Corbett

The consideration of the special order was postponed for 1 hour.

After further debate,

Mr. Mullen moved that the bill be recommitted to the Committee of Ways and Means, with instruction to inquire of the state departments whether there is further evidence in their possession on the subject, and that the committee be instructed to report as early as possible.

After further debate,

A message from the Senate by Mr Quick their Secretary, viz:- Senate Chamber March 12, 1873

Mr. Speaker; I am instructed by the Senate to inform your honorable body that Messrs Clayton, Baldwin and Grimmell have been appointed as a committee of conference, to confer with a similar committee on part of the House, in reference to the amendments adopted by the House to (Senate Bill No 58) entitled an act to establish the county of Clayton and for other purposes.

The hour of 12 o'clock, M., having arrived being the hour to which the special order set for 11 o'clock A. M., was postponed,

On motion of Mr. Corbell,

The consideration of the special order was postponed for 30 minutes.

Mr. Bate made the point of order that the House having under consideration a special order set for an hour prior to the hour to which another special order was set, that the House could not pass to the latter special order until the pending special order was disposed of.

The Speaker ruled that when the hour set for the consideration of a special order arrived, pending the consideration of a special order by the House set at a subsequent time for consideration at an hour earlier, that the

House would pass to the consideration of the special order set for any hour later.

The House resumed consideration of the bill of the bill of the House (H. R. 235) entitled An act for the relief of the sureties of H. B. Williams, late sheriff and collector of Hempstead county, together with the pending motion that the bill be recommitted to the Committee of Ways and Means with instruction to require of the state departments whether there is further evidence in their possession on the subject, and that the committee be instructed to report as early as practicable.

After further debate,

The hour of 12 o'clock and 30 minutes P.M. having arrived, being the hour to which the consideration of the special order set for 11 o'clock A.M., was postponed,

On motion of Mr. McGehee,

The consideration of the special order was further postponed for 1 hour

The question being on the motion that the bill under consideration be recommitted to the Committee of Ways and Means with instruction to inquire of the state departments whether there is further evidence in their possession on the subject, and that the committee be instructed to report as early as practicable.

After further debate,

Mr. Cobell moved the previous question, which was seconded, and under the operation thereof the motion was disagreed to,

The question being on the passage of the bill,

Mr. Chapline moved the previous question,

The question being put, Shall the main question be now put?

It was decided in the negative,

So the House refused to order the main question,

After further debate,
Mr. Corbell moved the previous question, which was seconded and the main question ordered, viz:- Shall the bill pass?
The question being put,
It was decided in the affirmative, — yeas 43, nays 16, not voting 23.
Those who voted in the affirmative are:-

Messrs.

Brown, Neal
Corbell,
Cleveland,
Copeland,
Chapman,
Fox,
Funbush,
Foster,
Gossett,
Grissom,
Hawkins, A. M.
Hawkins, O. S.
Hayes,
Hynds,
Jolyn,
Johnson, Adam
Johnson, J. A.
Kingston,
Lee,
Murphy, J. M.
McLeod,
Marshall,

Messrs.

McClenee,
McVeigh,
Nunn,
Preston,
Rawlins,
Reid,
Ribelow,
Robinson,
Shipley,
Shepard,
Spears,
Stephenson,
Shepperson,
Strong,
Sinden,
Brown,
Thompson
White,
Wheat,
Walker,
Williams.

Those who voted in the negative are:-

Messrs.

Berry, J. H.,
Bridenthal,
Chapline,
Chandler,
Cunningham,
Eagle,
Gilbreath,
Hardy,

Messrs.

Latta,
Miller,
Matheny,
Mitchell,
Pindall,
Parish,
Sumpter,
Wright,

Those absent or not voting are:-

Messrs.
Berry, b. E.
Beardsley,
Brown, Chas. F.
Bearley,
Coit,
Crowley,
Cote,
Davis,
Ennis,
List,
Hawkins, Messrs
Joyner,
Kent,
So the bill was passed.

Messrs.
Lynch,
Murphy, Wm.
Merritt,
Page,
Sabin,
Stewart,
Tilley,
Thornton,
Warwick,
The Speaker,

Pending the vote,
Mr. Pindell (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: The collector of public revenue is but a bailee required to use the greatest degree of diligence in preserving it. He acquires no property in the revenue he collects. I apprehend if a collector after using the proper degree of diligence should lose the revenue neither he nor his securities would be liable therefor. Whether the collector in this case lost any part of the revenue and whether the degree of diligence required was used, are questions for the courts to determine, and if determined in the affirmative the courts could give the proper relief. I vote no.

Mr. Kingston subsequently sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: In voting upon this question I desire to make the following explanation of my vote. I do not believe from the evidence that the party is dead, nor do I believe that his death has anything to do with this bill but having heretofore voted to relieve the sureties on a former bond of the sheriff of

Boone county who was a republican I do not desire to make any discrimination in casting my vote. I do not believe that the state would be benefitted by retaining the sureties longer as term the term of the present House of Representatives I am satisfied that no sureties will be by them further held, and believing that their action renders all bonds to the state a farce, I vote aye.

Mr. Walker, subsequently sent to the clerks desk the following explanation of his vote, viz:-

Mr. Speaker:- I am decidedly opposed to granting relief to the securities or bondsmen of any sheriff or other officer who is intrusted with public money, on account of any delinquency occurring on account of any avoidable cause; but believing H.B. Williams to have been murdered by some outlaw, I am not willing to cast a stigma upon his family - an innocent wife and child - bankrupt his sureties for the foul and murderous act of some outlaw, which neither he nor they could avoid. Therefore, believing him to be dead, I vote aye.

The vote was then announced as above

Mr. Corbell, at 1 o'clock and 25 minutes P.M., moved that the House adjourn.

Which was not agreed to.

On motion of Mr. Fox

The House passed to the consideration of the special order postponed until 1 o'clock and 30 minutes, P.M. being the consideration of the bill of the House (H.R. 241) entitled An act to enable and authorize the governor to enforce the laws of the state.

Before the bill was read,

A message from the Senate by Mr. Orick their Secretary, viz:-

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of House bill No. 183, with the following amendment.

Strike out the words "forty-five" wherever they appear and insert the word "thirty" and I herewith return the same with the amendment and ask your concurrence therein.

After debate,

The bill was read a third time and placed upon its passage,

After further debate,

Mr. Copeland moved the previous question which was seconded, and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative,— yeas 41, nays 19, not voting 22.

Those who voted in the affirmative are:—

Messrs.

Brown, Neal
Brown, Chas. F.
Beasley,
Breidenthal,
Corbell,
Cleveland,
Copeland,
Chapman,
Dare,
Fox,
Fruhush,
Gist,
Grissom,
Hawkins, O. S.
Hawkins, Morris
Harris,
Jordan,
Johnson, Adam
Johnson, J. H.
Joyner,
Kent,
Latta,
Murphy, J. H.
Murphy, Wm.
McLeod,
McGehee,
Mitchell,
Nunn,
Rawlins,
Reid,
Robinson,
Speas,
Stephenson,
Shepperson,
Sling,
Thurman,
Warwick
White,
Wheat,
Williams,
Wright,

Those who voted in the negative are;-

Messrs.

Berry, J. H.
Chandler,
Cate,
Cunningham,
Eagle,
Galbreath,
Hynds,
Harley,
Kingston,
McLeigh.

Messrs.

Matheny,
Pindall,
Parrish,
Robertson,
Shrigley,
Tincher,
Thomas,
Tillar,
Walker.

Those absent or not voting are;

Messrs.

Berry, G. C.
Beardsley,
Chaplin,
Cort,
Crowley,
Erwin,
Foster,
Lyzett,
Markins, A. Mc.
Lee,
Lynn,

Messrs.

Marshall,
Merritt,
Millen,
Page,
Preston,
Sarber,
Shapland,
Sumpter,
Stivant,
Thornburg,
The Speaker.

So the bill was passed.

Before the vote was announced Mr. Matheny sent to the clerk's desk the following explanation of his vote, viz;-

Mr. Speaker: In explanation of my vote upon this question, I desire to say that I find a declaration in the constitution, that the Governor shall be commander-in-chief of the military and naval forces of the state, and may call out such forces to execute the laws, suppress insurrection, repel invasions, or preserve the peace. Sir, I believe that sufficient power is conferred upon the Governor, to use the military if necessary, to assist in the enforcement of the laws under the restriction however of the organic

law of the state, that provides that the military shall be subordinate to the civil power, I therefore think such legislation is unnecessary, So I vote no.

Mr. Cunningham sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker; I oppose this bill because it either increases the executive power or it does not. If it shall not so increase said power it is useless and should not be passed. If it increases his power I oppose it because he has already too much power. The people have already felt the crushing weight of the enormous power of the executive. If the people are not slaves it is only because the governor does not will it. The present governor is not a Washington, yet he was not made a King, nor was Patrick Henry, yet he was not made dictator of Virginia even in the most trying days of the Old Dominion, Executive power has brought the state to bankruptcy, and made it a reproach in the eyes of the world. I vote no.

Mr. Kingston sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker; I desire to explain my vote upon this question. I vote no upon this bill as I always will when the previous question has been ordered for the purpose of preventing an explanation of the votes of members.

Mr. Turner sent to the clerks desk the following explanation of his vote, viz:-

Mr. Speaker; Being satisfied that this bill gives to the governor no power further than that now had under the constitution and that the bill if passed will be a dead letter on the statute books, and of no avail, I vote no.

The vote was then announced as above.

Mr. Fox moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table, which latter motion was agreed to.

Under a suspension of the rules for that purpose,

On motion of Mr. White,

The House passed to the consideration of the bill of the House (H. R. 183) entitled

An act to extend the time for payment of taxes for the year 1872, together with the Senate amendment thereto, viz: that the bill be amended by striking out the words "forty-five" wherever they appear in the bill and inserting in lieu thereof the word "thirty"

On motion of Mr. Pindall,

Ordered, That the House concur in the amendment recommended by the Senate, and,

On motion of Mr. White,

Ordered, That the bill be engrossed and be made special order for 10 o'clock and 30 minutes A. M., on the morrow.

Under a suspension of the rules for that purpose.

On motion of Mr. Cate,

The Speaker was authorized to appoint a committee of four to confer with the committee of conference appointed by the Senate in reference to the amendment adopted by the House, to the bill of the Senate (S. 58) entitled An act to establish the county of Clayton and for other purposes.

The Speaker, (Mr. Thorn in the chair appointed as such committee Messrs. W. H. Cate, J. M. Murphy, M. O. Kent and F. W. Lynn

Mr. Kingsbury moved that the rules be suspended and that the House pass to the consideration of the special order postponed until 10 o'clock and 3 minutes P. M. being the consideration of the bill of the House, (H. R. 128) entitled An act to repeal section 4 of an act entitled an act to define and punish offences against the public peace and tranquility, approved July 23, 1868

Pending the consideration of the motion.

On motion of Mr. Purbush,

The House, at 2 o'clock and 35 minutes P. M., adjourned.

Approved

Speaker.

Attest

Clerk.

Thursday, March 13, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. J. H. Berry, Neal Brown, Beasley, Bridenthal, Corbell, Cleveland, Coit, Copeland, Chandler, Chapman, Cunningham, Ennis, Eagle, Fox, Fairbush, Foley, Gist, Gilbreath, Garrett, Harrison, O. S. Hankins, Monroe Hankins, Harris, Hynds, Hanley, Izzley, Adam Johnson, Joyner, Livingston, Hunt, Lee, Latta, J. McMurphy, Wm. Murphy, McLeod, McGehee, Merritt, Miller, McCaig Jr, Matheny, Mitchell, Nunn, Page, Preston, Pindall, Robbins, Reid, Robertson, Robinson, Sarber, Spear, Stephenson, Shepperson, Strong, Sumpter, Stewart, Thorn, Thomas, Thurman, White, Walker, Williams, the Speaker.

Prayer by the Chaplain.

The journals of Tuesday and Wednesday were read and approved.

Pending the reading of the journals Mr. Fairbush moved that the further reading of the journal be dispensed with,

Which was not agreed to,

Under a suspension of the rules for that purpose, Mr. Hunt gave notice of the introduction of a bill, as follows;-

Whereas, the present constitution of the state of Arkansas was made at a time when only a part of the people of the state were represented, and

Whereas, the appointing power vested in the governor by the present constitution has placed over the people officers, in many instances who interests are not identified with the people, and

Whereas, the constitutional amendment enfranchising all classes has been ratified by the people, and

Whereas, disturbances in Pope and many other counties in the state still continue and the cry of the people is "Give us our choice for officers and we will have peace," and

Whereas the continued disturbances,

among our people prevent immigration and destroy the credit of our state, and believing we never can have peace harmony and prosperity until all our people have a voice in making their Constitution, therefore,

I hereby give notice that I will at an early day introduce a bill authorizing and requiring the governor to call a state constitutional convention.

The hour of 10 o'clock and 30 minutes A. M. having arrived,

The House proceeded to consider the special order set for that hour being the consideration of the Senate amendment to the bill of the House (H. R. 183) entitled An act to extend the time for payment of taxes for the year 1872, as follows; strike out the word "forty-five" wherever it appears in the bill and insert in lieu thereof the word "thirty"

The question being put,

Shall the House concur in the Senate amendment?

It was decided in the affirmative,—yeas 66, nays none, not voting 16,

Those who voted in the affirmative are:—

Messrs.

Berry, C. E.
Berry, J. H.
Brown, Neal
Brown, Chas. F.
Beasley,
Bridenthal,
Chapline,
Cobell,
Cleveland,
Copeland,
Chandler,
Chapman,
Cunningham,
Dunn,
Eagle,
Fisher,
Latta,
Murphy, J. M.
Murphy, Wm.
McLeod,
Marshall,
Merritt,
Mellen,
McVeigh,
Matheny,
Mitchell,
Nixon,
Paige,
Preston,
Pindall,
Rawlins,
Reid,

Messrs.

Gist,
Gilbreath,
Gossett,
Gyllenn,
Hawkins, A.M.C.
Hawkins, O.S.
Hawkins, Messrs,
Harris,
Hynds,
Harley,
Joslyn,
Johnson, Adam
Johnson, J.H.
Joyner,
Kingston,
Kent,
Lee,

Messrs.

Robertson,
Robinson,
Shirley,
Speaks,
Steps heaven,
Shepperson,
Strong,
Sumpter,
Sloan,
Thomas,
Thomason,
Tillar,
Thompson,
White,
Walker,
Wright,
The Speaker,

None voting in the negation,
Those absent or not voting are,-

Messrs,

Beardsley,
Burt,
Crowley,
Cato,
Davis,
Fox,
Foxhoven,
Lynn,

Messrs,

Mechlehee,
Parish,
Saber,
Sheppard,
Thomas,
Warwick,
White,
Williams,

So the circle amendment was agreed to,
Under a suspension of the rules for that purpose.
On motion of Mr. McVeigh,
The House passed to the order of business of introduction of bills and motions, resolutions and notices.

Mr. McVeigh introduced a bill (H.B. 254) entitled An act to protect lives of this state from injury by wagons or other wheeled vehicles.

By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second time by title, and,

On motion of Mr. McCleigh.
Was referred to the Committee on the Judiciary.
Mr. Corbell introduced a bill (H. R. 255) entitled An act to define the boundary line between the counties of Clark and Pike.
By unanimous consent.
Under a suspension of the rules.
The bill was read a first and second time by title and referred to the Committee on Counties and County Lines.
Mr. Kingston introduced a bill (H. R. 256) entitled An act to provide for the adjustment and settlement of the claims of the state against the United States government.
By unanimous consent,
Under a suspension of the rules.
The bill was read a first and second time by title and referred to the Committee of Claims.
Mr. Thomas Hawkins introduced a bill (H. R. 257) entitled An act to afford relief in certain cases to parties who may have bought any of the common school lands, and for other purposes.
By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second time by title and refered to the Committee on Education.
Mr. Mitchell introduced a bill (H. R. 258) entitled An act to abolish capital punishment in the state of Arkansas,
Which was read a first time.
By unanimous consent,
Under a suspension of the rules,
The bill was read a second time by title and referred to the Committee on the Judiciary.
Mr. Copeland introduced a joint resolution (H. J. Res. 21) a joint resolution instructing the Senators in Congress from Arkansas to use their influence to secure the mail service on the Arkansas river to a line of steamboats who will accommodate the public by carrying passengers.

Which was read a first time.
By unanimous consent
Under a suspension of the rules.
The joint resolution was read a second time by title.
Mr. Copeland moved that the joint resolution be engrossed for a third reading and be made special order for 10 o'clock and 30 minutes A. M., of Monday, March 17, 1873.

Mr. Dunpter moved that the joint resolution be referred to the Committee on the Judiciary.

Which was not agreed to.

The question then recurring on the motion that the joint resolution be engrossed for a third reading and be made special order for 10 o'clock and 30 minutes A. M., of Monday, March 17, 1873,

It was agreed to.

Mr. C. E. Berry, introduced a bill (H. R. 259) entitled An act to establish a state library.

By unanimous consent.
Under a suspension of the rules.
The bill was read a first and second time by title, and referred to the Committee on Education.

Mr. Thurman, introduced a joint resolution (H. Jt. Res. 20) entitled proposed amendment to the constitution which if adopted shall be substituted for and known as section 3. article 7.

By unanimous consent.
Under a suspension of the rules.
The joint resolution was read a first and second time by title and referred to the Committee on the Judiciary.

Mr. Potts introduced a bill (H. R. 260) entitled An act to prohibit the sale of intoxicating liquors within two miles of Geauga Male and Female academy in Geauga county.

By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second

time by title, and

On motion of Mr. Chapman,

The bill was amended by inserting the words "Prairie House Male and Female Academy in Boone county."

And,

By unanimous consent,

The bill was referred to the Committee on Education.

Mr. Charles F. Brown submitted the following preamble and motion, which was read, considered and agreed to, viz:-

Whereas: Certain Real Estate Bank lands in the county of St Francis have been appraised and sold during last year, and one of the appraisers, having purchased the same, at reduced prices, much below the true value, therefore

Resolved, that the special committee created for such purpose, enquire into, and report to this body all the facts connected with the sale and appraisement of such land, and report under what authority or law, all of the appraisers could purchase said land, under his own report and appraisement,

Mr. Cummingham moved that the rule of the House No. 56 be amended to read as follows:-

That when the House adjourn it shall meet at 9 o'clock A. M., of the next succeeding day unless another day and hour be specifically named; and it shall require two-thirds to adjourn before 5 P. M., of each day, Provided a majority shall have power to take a recess of an hour each day Provided further that after 5 o'clock P. M., a simple majority shall have power to adjourn,

On motion of Mr Reid,

Ordered, That the motion lie on the table,

Mr. Fairbrush moved that the rules be suspended and that he be allowed to submit a memorial,

Which was not agreed to (two-thirds of the members present not voting therefor).

Mr. Preston introduced a bill (H. R. 261) entitled An act to divide the state of Arkansas

into four congressional districts.

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title and referred to the Committee on Appropriations.

The hour of 11 o'clock A. M. having arrived,

On motion of Mr. J. H. Berry,

The Committee on Engrossed Bills were instructed to report by 11 o'clock A. M. on the morrow the bill set for the special order for the hour (H. R. 341 entitled, An act to provide the mode of holding all general and special elections, registration of electors, preserve the purity of the ballot, and to repeal an act entitled, an act to provide for the election of all executive and judicial officers, members of the General Assembly, representatives of the state in the Congress of the United States, and presidential electors, approved July 23, 1868, also, to repeal an act to provide for a registration of the legal votes in the state of Arkansas, approved July 15, 1868

Mr. Warwick introduced a bill (H. R. 262) entitled An act to provide for filling vacancies in certain cases,

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title,

Mr. Thornburg moved that the bill be referred to the Committee on the Judiciary, and asked for the yeas and nays,

The question being put,

It was decided in the negative, —— yeas 30, nays 38,

The yeas and nays being desired by five members,

Those who voted in the affirmative are:

Messrs.

Berry, J. H.,
Beasley,
Chapline,
Cole,
Cunningham,

Messrs.

Lynch,
Latta,
McClung,
Matheny,
Preston,

Messrs. Ennis, Eagle, Foster, Gist, Gilbreath, Leggett, Mann, Mynds, Manly, Snyder.

Those who voted in the negative are:-

Messrs. Berry, B. E., Brown, Neal, Brown, Chas. F., Corbell, Cleveland, Copeland, Fox, Fairbanks, Grissom, Hankins, A. M., Hankins, O. S., Hankins, Monroe, Johnson, Adam, Johnson, J. H., Kinigston, Kent, Lee, Murphy, J. M., Murphy, Wm., Marshall, Merritt, Miller, Mitchell, Nunn, Page, Rankins, Robinson, Shipley, Shipland, Spears, Stephenson, Stephenson, Sturny, Stewart, Warnick, White, Wheat, The Speaker.

So the House refused to refer the bill to the Committee on the Judiciary.

Mr. J. M. Johnson moved that the bill be ordered engrossed for a third reading and be made special order for 10 o'clock and 30 minutes A. M. on the morrow.

Mr. Nunn moved that the bill be amended by adding to section 1 the following proviso:-

Provided such vacancy shall occur less than nine months from the expiration of the

term of such office and provided further that in case such vacancy occur more than nine months before the expiration of the term of such office the Governor shall order an election to fill the same.

Mr. Sumpter asked for the yeas and nays.

The question being put,

It was decided in the negative, - yeas 35, nays 38.

The yeas and nays being decided by five members.

Those who voted in the affirmative are:-

Messrs.

Berry, J. H.
Brideuthal,
Chandler,
Chapman,
Cate,
Cunningham,
Ennis,
Eagle,
Finlinson
Foster,
Gist,
Gilbreath,
Gossett,
Reynolds
Harley,
Joyner,
Lynn,
Latta,

Messrs.

McLeod,
McSween,
Merritt
McKeigh,
Matheny,
Mitchell,
Pigeon,
Pindall,
Reid,
Robertson,
Sumpter,
Skinner,
Thomas,
Tillman,
Twitty,
Walker,
Wright.

Those who voted in the negative are:-

Messrs.

Berry, C. E.
Brown, Neal
Brown, Chas. F.
Cobell,
Cleveland,
Cort,
Copeland,
Fox,
Ingram,
Hawkins, A. M.
Hawkins, C. S.
Hawkins, Messrs

Messrs.

Murphy, Wm.
Marshall,
Miller,
Nunn,
Page,
Rankin,
Robinson,
Saber,
Shipley,
Sheppard,
Spears,
Stephenson,

Messrs.
Harris,
Irelyn,
Johnson, Adam
Johnson, J. H.
Kingston,
Kuit,
Lee,

Messrs.
Shepherson,
Styng,
Stewart,
Warnick,
White,
Wheat,
The Speaker,

So the amendment was not agreed to.

Mr. J. H. Berry moved that the bill be amended by adding to section 1, the following proviso, viz:-

Provided, If a vacancy occur more than six months before the expiration of the term of the office, the governor shall order an election in said county to fill the vacancy; and provided further, the governor shall appoint officers to fill any vacancy that may exist in Pope county.

After debate.

Mr. Chaplin moved that the bill and the motion to amend lie on the table and be made special order for 11 o'clock A. M., of Saturday, March 15, 1873.

Which was not agreed to.

The question being on the motion to amend.

After further debate,

Mr. Fox moved the previous question

The question being put, Shall the main question be now put?

It was decided in the negative.

So the House refused to order the main question.

Then,

On motion of Mr. Chaplin,

Ordered, That the motion to amend lie on the table and be made special order for 12 o'clock M. of Monday, March 17, 1873.

A message from the Senate by Mr. Orick, their secretary viz:-

Senate Chamber, March 13, 1873,

Mr. Speaker, I am instructed by

the Senate to return to your honorable body Senate bill No 58, entitled An act to establish the county of Clayton without action on the amendments proposed by the House.

Mr. Cate, from the committee of conference on the part of the House, in reference to the amendments adopted by the House to the bill of the Senate (S. 58) entitled An act to establish the county of Clayton, and for other purposes, submitted the following report which was read and adopted, viz:-

Mr. Speaker: Your committee appointed to confer with a like committee on part of the Senate in relation to Senate bill No. 58 have agreed to recommend the following as a rule of practice in that and other cases, to-wit:

That when a bill has passed one house and it is amended in the other, the house wherein the amendment is proposed and adopted shall pass the bill as amended and send it with the amendment engrossed to the house which passed the original bill asking a concurrence in the amendment.

On motion of Mr. Cate,

The House passed to the consideration of the bill of the Senate as amended (S. 58) entitled An act to establish the county of Clayton, and for other purposes.

Which was read a second time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a third time by title and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmation, — yeas 55, nays 13, not voting 14,

Those who voted in the affirmation are:-

Messrs.

Bunn, Chas. F.
Beasley,
Chaplin,
Cleveland,
Copeland,
Marshall,
McInnis,
Miller,
McVeigh,
Matheny,

Messrs.

Messrs.

Chandler,
Chapman,
Cate,
Cunningham,
Ennis,
Eagle,
Fairbush,
Foster,
Gist,
Grissom,
Hankins, A. M.
Hankins, O. S.
Hankins, Messer,
Hynds,
Irby,
Johnson, Adam
Johnson, J. M.
Joyner,
Kingston,
Kent,
Lynn,
Murphy, J. M.
Murphy, Wm.

Three who voted in the negative are

Messrs.

Berry, J. M.
Batson, Neal
Bridenthal,
Bost,
Fox,
Jarrett,
Harris,

Three absent or not voting are:

Messrs.

Berry, C. E.
Bellamy,
Cobb,
Crowley,
Daniel,
Galbraith
Lee,
Latta,

Messrs.

Mitchell,
Nunn,
Page,
Preston,
Pindall,
Rayburn,
Robertson,
Robinson,
Spears,
Stephenson,
Shepherd,
Spong,
Sumpter,
Stewart,
Thomas,
Tillar,
Thornburg,
Warwick,
Wheat,
Williams,
Wright,
The Speaker.

Messrs.

Harley,
Irby,
McLeod,
Reid,
Thomason,
Walker,

Messrs.

Merritt,
Purnell,
Safley,
Shipley,
Shepperd,
Turner,
White,

So the bill was passed.

Pending the vote,
Mr. Chesnutt (when his name was called) sent to the clerk's desk the following explanation of his vote:
Mr. Speaker: Believing as I do that it is the wish of the people to be affected by this act to have the bill pass I feel it my duty to vote for the passage of the bill, therefor I vote aye.
Mr. Adam Johnson before the vote was announced, sent to the clerk's desk the following explanation of his vote, viz:-
Mr. Speaker: In explanation of my vote I desire to say that I feel myself bound to do everything in my power for the benefit of the people of the state of Arkansas, I therefor vote aye.
The vote was then announced as above.

Under a suspension of the rules for that purpose:
On motion of Mr. A. M. Hawkins,
The House passed to the consideration of the bill of the House (H. R. 236) entitled An act to create the county of Howard,
By unanimous consent,
Under a suspension of the rules,
The bill was read a second time by title and referred to the Committee on Counties and County Lines.
Under a suspension of the rules for that purpose,
On motion of Mr. Chapline,
The House passed to the order of business of Reports of Standing Committees and Introduction of bills.
Mr. Chapline from the Committee on Public Expenditures, to whom was referred the bill of the House (H. R. 191) entitled An act for the relief of S. L. Holman returned the same and submitted the following minority report thereon, viz:-
Mr. Speaker; Your Committee on

Public Expenditures have had H. B. No 191 a bill to be entitled An act for the relief of S. L. Holman under consideration, and beg leave to make the following report. We the minority of said committee herewith recommend that it do pass and make the testimony herewith attached a part of our report.

J. B. Chapline.
Joseph. Cleveland.
Jonas. Wiseman.

(Evidence).

Mr. S. L. Holman was the keeper of the poor house of Pulaski county during the years 1866 and 1867. I was the attorney for Pulaski county during those years I know that Mr. Holman, in 1866 and 1867 took care of and supported at the poor house a large number of sick and indigent citizens of this state, mostly women and children. These people were the wife and children of Union and Confederate soldiers who had been driven from their homes. I know also that Maj. Gen'l Ord. then (1867) commanding this department ordered a large number of refugee citizens to the poor house. Mr. Holman in 1867 presented an account for $800. to the county court of Pulaski Co. county which rejected the claim, because the people supported by Holman were not citizens of Pulaski county.

J. P. H. Fain

I know that the above statement is correct,

Thomas Fletcher.

Mr. Reid, from the same committee, submitted the following majority report, which was read, viz:

Mr. Speaker; Your committee to whom was referred H. B. No. 191, A bill to be entitled an act for the relief of S. L. Holman has had the same under consideration and beg leave to report,

That from evidence received we are of opinion that the said Holman as keeper of poor house of Pulaski county furnished

poor citizens with provisions &c to the amount asked for in the bill, but we do not feel authorized to recommend the payment of debts contracted by cimmuting without any authority on the part of the state. We therefore recommend the bill do not pass.

W. H. C. Reid.
H. L. Pindall.
F. W. Thompson.
David Chandler.

Mr. Reid moved that the bill be rejected.

After debate,

Mr. Kingston moved the previous question which was seconded, and under the operation thereof, the motion was agreed to, and the bill was accordingly rejected.

And then,

On motion of Mr. McGehee,

The House, at 2 o'clock and 30 minutes P.M., adjourned.

Approved

Speaker.

Attest

Clerk.

Friday, March 14, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. C. E. Berry, J. H. Berry, Chas. F. Brown, Beasley, Bridenthal, Chapline, Cleveland, Copeland, Chandler, Chapman, Cate, Davis, Ennis, Eagle, Funbush, Foster, Gist, Gilbreath, Jarrett, Morris Hopkins, Harris, Hanley, Jordan, Adam Johnson, J. H. Johnson, Joyner, Kingston, Kent, Lee, Lynn, J. H. Murphy, Wm. Murphy, McLeod, Marshall, McGehee, Merritt, Millen, McVeigh, Mathews, Mitchell, Annan, Page, Preston, Pindall, Rawlins, Reid, Robertson, Robinson, Sisler, Shipley, Shappard, Speer, Stephenson, Shepperson, Strong, Stewart, Thomas, Thompson, Fillar, Thornburg White, Wheat, Walker, Williams, Wright, The Speaker:-

Prayer by the chaplain.

The journal of Thursday was read and approved.

A message from the Senate by Mr. Orrick their Secretary, viz:-

Senate Chamber, March 13, 1873.

Mr. Speaker; I am instructed by the Senate to inform your honorable body of the passage by the Senate of (H. B. No. 10) memorializing Congress to order the sale of Hot Springs reservation, also (H. B. No. 139) entitled a bill, To be entitled an act to extend the time for the payment of amounts due the state from the sureties on the bond of John Jones late sheriff and ex-officio collector of Boone county and for other purposes, and herewith returns the same.

The hour of 10 o'clock and 30 minutes, A. M., having arrived,

On motion of Mr. Latta,

The Committee on Engrossed Bills was instructed to report, by 10 o'clock and 30 minutes A. M. on the morrow, the bill of the House set for special order set for the hour (H. R. 188) entitled An act to encourage the introduction of thoroughbred live stock into this state,

The House passed to the order of business of General order of the day,

When,

On motion of Mr. Latta,

The House proceeded to consider the bill of the House (H. R. 105) entitled, An act to establish the lines between the counties of Montgomery and Clark,

Which was read a second time,

On motion of Mr. Latta,

Ordered, That the bill be engrossed for a third reading and be made special order for 11 o'clock A. M., of Tuesday, March 18, 1873.

On motion of Mr. Corbell,

The House proceeded to consider the joint resolution of the House (H. R. Res. 16) a joint resolution to provide for the adjournment of the General Assembly sine die, March 29, 1873.

Which was read a second time.

Mr. Pindall moved that the joint resolution be amended by striking out "29" and inserting in lieu thereof "17".

Mr. Marshall moved that the motion be amended by striking out "17" and inserting in lieu thereof "28".

Mr. J. M. Murphy moved that the motion to amend lie on the table.

The question being put,

It was decided in the affirmative, — yeas 35, nays 27.

The yeas and nays being desired by five members,

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Brown, Otho F.
Beasley,
Charlton,
Cleveland,
Copeland,
Eagle,
Faulconer,
Foster,
Grimm,
Hawkins, A. M.
Hawkins, C. J.
Harris,
Jolly,
Johnson, Adam
Johnson, J. H.
Lee,
Murphy, J. M.
Murphy, Wm.
McLeod,
McGehee,
McVeigh,
Mitchell,
Preston,
Pindall,
Reid,
Robertson,
Shepperson,
Sumpter,
Thomson,
Tillar,
Thornburg,
Wheat,
Williams,
Hon. Speaker.

Those who voted in the negative are:-

Messrs.

Berry, J. H.
Burdenthal,
Cabell,
Grant,
Chandler,
Cate,
Courtney,
Grant,
Robinson,
Shingley,
Shapland,
Speare,

Messrs. Gilbreath, Jarrett, Hawkins, Monroe, Harley, Kent, Lynn, Marshall, Miller,

Messrs. Stephenson, Stump, Sledrat, Turner, Thurmon, Walker, Wright,

So the motion to amend together with the joint resolution was laid on the table.

On motion of Mr. Corbell,

The House proceeded to consider the joint resolution of the House (H. Jt. Res. 18) a joint resolution instructing the Commissioner of Immigration in relation to the Pope county troubles, and for other purposes.

Which was read a second time.

And,

On motion of Mr. Thurman,

Ordered, That the joint resolution be laid on the table.

On motion of Mr. Bridewell,

The House proceeded to consider the substitute for the bill of the House (Sub. H. B. 99) entitled An act regulating licenses and to provide against the evils resulting from the sale of intoxicating liquors in this state.

Which was read a third time.

Pending the reading of the bill,

Mr. Shepperson moved that the further reading be dispensed with, and the consideration of the bill be indefinitely postponed.

Which was not agreed to,

The reading of the bill being concluded,

Mr. Reid moved that the bill be recommitted to the Committee on the Judiciary, for the purpose of amendment,

Mr. Shepperson moved that the bill be laid on the table,

Pending which,

The hour of 11 o'clock A. M., having arrived,

being the hour set for the consideration of the bill of the House (H. R. 341) entitled An act to provide the mode of holding all general and special elections, regulation of electors, preserve the purity of the ballot, and to repeal an act entitled An act to provide for the election of all executive and judicial officers, members of the General Assembly, representation of the state in the Congress of the United States, and presidential electors, approved July 23, 1868; also, to repeal an act to provide for a registration of the legal voters in the state of Arkansas, approved July 15, 1868.

And,

It appearing that the bill had not been engrossed,

On motion of Mr. J. H. Berry,

Ordered, That the clerk be instructed to have the bill engrossed, and that the Committee on Engrossed Bills be requested to report the bill before the hour of 11 o'clock A. M., on the morrow,

By unanimous consent.

Mr. Neal Brown asked and obtained leave of absence for 3 days.

On motion of Mr. C. S. Hawkins,

Leave of absence was granted Mr. D. C. Kyle, assistant sergeant at-arms for 3 days, on account of sickness.

The House proceeded to consider the further special order set for the above hour, being the consideration of the report of the Committee on State Lands to whom was referred the resolution of the House instructing that committee to consider the propriety of blending the duties of Commissioner of State Lands and Immigration with that of Public Works.

When,

Mr. Shepperson moved that the consideration of the special order be postponed for 30 minutes

Which was not agreed to.

Mr. Fox moved that the report of the committee be adopted,

Pending the consideration of the motion,

A message from his Excellency the Governor by Mr. McCumming, his private secretary, who, by unanimous consent, read the same as follows:—

Executive Department, Arkansas.
Little Rock, March 14, 1873.

To the House of Representatives of Arkansas:

Gentlemen: House Bill to be entitled "An act for the relief of Charles B. Fitzpatrick, John H. Hagan and Mc. H. Wyatt, and for other purposes, having remained more than three days with the Executive is hereby respectfully returned

Elisha Baxter,
Governor of Arkansas.

The House resumed consideration of the motion that the report of the Committee on State Lands be adopted, and

After debate,

The motion was agreed to,

And then,

By unanimous consent,

Mr. Kingston, asked and obtained leave to withdraw the resolution accompanying the report of the committee for the purpose of submitting in lieu thereof a joint resolution to the same effect.

On motion of Mr. Bridenthal,

The House proceeded, under the pending order of business, to consider the bill of the Senate (S. 101) entitled "An act relating to and confirming certain proceedings of the Board of Trustees of the Arkansas Industrial University."

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time, by title, and

On motion of Mr. L. H. Johnson

Was referred to the Committee on the Judiciary.

Mr. Thurman introduced a bill (H. R 266) entitled "An act to incorporate turnpike roads in the State of Arkansas, and to revise chapter 171 of Gould's Digest."

By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second time by title and referred to the Committee on Roads and Highways.

Mr. Thurmond, also, introduced a bill (H. R. 267) entitled An act to establish a county road in the counties of Calhoun and Ouachita.

By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second time by title and referred to the Committee on Roads and Highways.

On motion of Mr. Bird,
The House proceeded to consider the bill of the House (H. R. 53) entitled An act for the compensation of witnesses in the Circuit Court and before the Grand Jury,
Which was read a third time,
And,
On motion of Mr. Pindall,
The bill was recommitted to the Committee on the Judiciary for the purpose of amendment.

Mr. Fox from the Committee on the Judiciary, to whom was referred the bill of the House (H. R. 228) entitled An act to protect tax-payers in their rights, reported the same and recommended its passage.

On motion of Mr. Millen,
Ordered that the bill be engrossed for a third reading and be made special order for 11 o'clock and 30 minutes A. M. to-morrow.

Also, from the same committee to whom was referred the bill of the House (H. R. 102) entitled An act fixing fees and compensation of county attorneys in the several counties in this state, reported the same and recommended a substitute therefor entitled an act to abolish the office of county attorney.

The report of the committee was adopted and the substitute was accordingly adopted in lieu of the original bill.

And,
On motion of Mr. Fox.
Ordered, That the substitute bill be engrossed for a third reading and be made special order for 10 o'clock and 30 minutes A. M., of Monday, March 17, 1873.

Also, from the committee, to whom was referred the joint resolution of the Senate (S. J. Res. 5) entitled a proposed amendment to the constitution, which if adopted and ratified in the manner prescribed by Article XIII, shall thereafter be substituted for and known as article XIII of the constitution of the state of Arkansas reported the same and recommended that the joint resolution be amended as follows:-

Strike out section 1 of the bill and substitute therefor as an enacting clause and section 1 of the amended bill the following "Be it enacted by the General Assembly of the State of Arkansas,"

"Section 1. The voters of any township in this state shall have power to mortgage or otherwise encumber the same"

On motion of Mr. Fox.

The report of the committee was adopted and the amendments were accordingly agreed to.

Also, from the same committee, to whom was referred the bill of the House (H. R. 7) entitled An act to give justices of the peace jurisdiction in cases of damages where the amount in controversy is one hundred dollars and less, reported the same and recommended that the bill be amended by adding to section 1 the following proviso, viz:-

"Provided, that justices of the peace shall not have jurisdiction in any cases of slander or libel,"

The report of the committee was adopted and the amendment was accordingly adopted.

And,
On motion of Mr. Fox,
Ordered, That the bill last reported be engrossed for a third reading and be made special

order for 11 o'clock A. M., of Tuesday, March 18, 1873.

Also from the same Committee, to whom was referred the bill of the House (H. R. 209) entitled An act to prohibit the sale of intoxicating liquors within a certain distance of Bethel Churches, reported the same and recommended its passage.

Under a suspension of the rules,

On motion of Mr. Mitchell,

The bill was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative, — yeas 45, nays 5, not voting 32.

Those who voted in the affirmative are:-

Messrs.

Berry, J. H.
Brown, Chas. F.
Beasley,
Bridenthal,
Chapline,
Cleveland,
Coit,
Chandler,
Cate,
Eagle,
Finbuch,
Foster,
Gist,
Gilbreath,
Gorrell,
Grimm,
Hankins, Messrs
Harley,
Irby, Jr.,
Johnson, J. H.
Joyner,
Fox,
Lynn,

Messrs.

Murphy, Wm.
Marshall,
McVeigh,
Matheny,
Mitchell,
Preston,
Pindall,
Reid,
Robertson,
Stephenson,
Strong,
Sundstein,
Stewart,
Thorne,
Thurman,
Tillar,
Thornburg,
Wheat,
Walker,
Williams,
Wright,
The Speaker:-

Those who voted in the negative are:-

Messrs. Harris, Kent, Murphy, J. H.

Messrs.

Shrigley,
Speake,

Those absent or not voting are:-

Messrs.

Berry. G. E.
Beardsley.
Brown. Neal
Corbell,
Copeland,
Chapman,
Crowley,
Cunningham,
Daine.
Ennis
Hankins. A. Mc.
Hankins. O. S.
Hynds.
Johnson, Adam
Kingston.
Lee.

Messrs.

Latta,
McLeod.
Mcluhee,
Merritt.
Millen.
Nunn.
Page.
Parish.
Rawlins.
Robinson.
Sarber,
Shappard,
Shepperson
Sinnes,
Warwick,
White.

So the bill was passed.

On motion of Mr. Beasley.

The House proceeded to consider the bill of the House (H. R. 177) entitled An act to define and establish the boundary line between the counties of Colusa big and Nevada.

Which was read a third time.

And,

On motion of Mr. Beasley,

Ordered That the bill be placed upon its passage.

The question being put. Shall the bill pass?

It was decided in the affirmative. — — yeas 56, nays /- not voting 25,

Those who voted in the affirmative are:-

Messrs.

Berry. J. M.
Brown. Chas. F.
Beasley,
Briden thal.
Chaplin,
Cleveland.
Coyt,
Chandler,

Messrs.

Murphy. J. M.
Murphy. Wm.
McLeod,
Marshall
Merritt,
McHugh,
Matheny,
Mitchell.

Messrs.

Bate,
Eagle,
Fox,
Frankish,
Foster,
Gait,
Galbraith,
Garrett,
Grieve,
Hawkins, Messrs
Hanis,
Harley,
Jelfs,
Johnson, Adam
Johnson, J.H.
Joynes,
Kent,
Lee,
Lynn,
Latta.

Voting in the negative:-

Mr. Shipley.

Those absent or not voting are:-

Messrs.

Berry, L. E.
Beardsley,
Brown, Peel,
Cobell,
Copeland,
Chapman,
Crowley,
Cunningham,
Davis,
Equire,
Hawkins, A.M.
Hawkins O.S.
Hynds,

So the bill was passed.

On motion of Mr. Kent,

The House proceeded to consider the substitute for the bill of the House (Sub. H. R 99)

Messrs.

Preston,
Prindall,
Ragsdale,
Reid,
Robertson,
Robinson,
Speaks,
Stephenson,
Sheppeard,
Strang,
Sumpter,
Stewart,
Thawley,
Thomas,
Tilley,
Thornburg,
Wheat,
Walker,
Wright,
The Speaker.

Messrs.

Kingston,
McGehee,
Miller,
Nunn,
Page,
Parrish,
Sadler,
Shephard,
Turner,
Warwick,
White,
Williams,

entitled An act regulating licenses and to provide against the evils resulting from the sale of intoxicating liquors in this state.

Which was read a second time.

And,

On motion of Mr. Reid.

Was recommitted to the Committee on the Judiciary for the purpose of amendment.

On motion of Mr. Warwick.

The House proceeded to consider the bills heretofore sent to the clerk's desk by Mr. Warwick, as follows:

A bill (H. R. 263) entitled An act to amend section 18 of an act entitled in corporation and organization of municipal corporations, approved April 12, 1869.

By unanimous consent.

Under a suspension of the rules.

The bill was read a first and second time by title and referred to the Committee on Cities and Towns.

Also, a bill (H. R. 264) entitled An act to authorize cities and towns to subscribe stock in incorporated companies.

By unanimous consent,

Under a suspension of the rules.

The bill was read a first and second time by title and referred to the Committee on Cities and Towns.

Also, a bill (H. R. 265) entitled An act to authorize incorporate gas companies to increase the amount of their capital stock.

By unanimous consent,

Under a suspension of the rules.

The bill was read a first and second time by title and referred to the Committee on the Judiciary.

Mr. Hart introduced a bill (H. R 268) entitled An act to protect the credit of the state.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules.
The bill was read a second time by title, and
On motion of Mr. Coit,
Was referred to the select committee instructed to report such measures as will reduce the expenses and improve the financial condition of the state, with instruction to report the bill within five days.

Mr. Kingston introduced a bill (H. R. 269) entitled An act to provide for the further prosecution of the geological and mineralogical survey of the state of Arkansas.

By unanimous consent,

Under a suspension of the rules.

The bill was read a first and second time by title and referred to the Committee on the Judiciary.

Mr. Mitchell, from the Committee on Counties and County Lines to whom was referred the bill of the House. (H. R. 226) entitled An act to create the county of Coolidge, and for other purposes reported the same and recommended its passage.

Mr. J. M. Johnson moved that the further consideration of the report be postponed until 11 o'clock A. M., on the morrow.

Pending the consideration of the motion.

Mr. J. M. Johnson at 1 o'clock P. M., moved that the House adjourn.

Which was not agreed to.

The question then being on the motion that the further consideration of the report of the committee be postponed until 11 o'clock A. M., on the morrow.

It was agreed to.

Mr. J. M. Johnson at 1 o'clock and 5 minutes P. M., moved that the House adjourn.

Which was not agreed to.

Mr. Mahony gave notice that he would move to reconsider the vote by which the House adopted the rule of the House fixing the hour of meeting at 10 o'clock A. M.,

Mr. Mitchell, also, from the same committee to whom was referred the bill of the Senate (S. 83) entitled An act to change and re-

establish the boundary lines of Grant county reported the same and recommended that the bill be not passed.

On motion of Mr. Sumpter.

Ordered, That the further consideration of the bill last reported be indefinitely postponed.

And then,

On motion of Mr. Marshall,

The House at 10 o'clock and 7 minutes P.M., adjourned.

Approved

Speaker.

Attest

Clerk.

Saturday, March 15, 1873

The roll being called it appeared the following named members were present and answered to their names, viz:-

Messrs. C. C. Berry, J. H. Berry, Chas. F. Bunn, Brady, Brickenthal, Chaplin, Corbell, Cleveland, Coit, Copeland, Chandler, Chapman, Cate, Davis, Ennis, Eagle, Foster, Gist, Gilbreath, Jarrett, Givens, Hanna Hawkins, Harris, Harley, Jolyn, Adam Johnny, J. H. Johnson, Kingston, Kent, Lynn, Latta, J. M. Murphy, Wm. Murphy, Marshall, McGehee, Merritt, McMillen, McVeigh, Matheny, Nunn, Preston, Pindall, Rawlins, Reid, Robertson, Robinson, Sayles, Shipley, Sharpe, Speas, Stephenson, Shepherd, Stacy, Sumpter, Stewart, Thurman, Thomason, Tillar, Thornbury, White, Walker, Williams, Wright, The Speaker.

Prayer by the Chaplain.

The journal of Friday was read and approved.

The House proceeded, under the order of unfinished business to consider the bill of the House (H.R. 228) entitled An act giving all laborers a lien upon the production of their labor until the same is paid approved July 23, 1868.

Which was read a third time and placed upon its passage,

Pending debate,

The hour of 10 o'clock and 30 minutes A. M., having arrived,

The House passed to the consideration of the special order postponed to that hour being the consideration of the bill of the House (No. R. 188) entitled An act to encourage the introduction of thoroughbred live stock into this state,

Which was read a third time and placed upon its passage,

The question being put, Shall the bill pass?

It was decided in the affirmative, — yeas 59, nays 2, not voting 21,

Those who voted in the affirmative are:-

Messrs,

Berry, J. M.
Brown, Chas. F.
Bearley,
Bridenthal,
Chaplin,
Cleveland,
Corbeland,
Chandler,
Chapman,
Cate,
Davis,
Ennis,
Eagle,
Fox,
Foster,
Frost,
Galbraith,
Garrett,
Grisson,
Hankins, A. M.
Hankins, O. S.
Hankins, Monroe,
Harris,
Harley,
Jordyn,
Latta,
Murphy, Wm.
Marshall,
Mochehee,
Miller,
McVeigh,
Matheny,
Nunn,
Parrish,
Rigsbee,
Reid,
Robertson,
Robinson,
Shipley,
Sharpsaul,
Speas,
Stephenson,
Strong,
Sydnor,
Thorne,
Thomason,
Thornburg,
Warwick,
White,
Wheat,

Messrs.

Johnson, Adam
Johnson, J. M.
Kent,
Lee,
Lynn

Those who voted in the negative are:

Messrs.

Pindall,

Those absent or not voting are:-

Messrs.

Berry, B. E.
Brandsby,
Brown, Neal
Cypbell,
Cort,
Crowley,
Cunningham,
Firebaugh,
Hyndes,
Joyner,
Kingston,

Messrs.

Walker,
Williams,
Wright,
The Speaker.

Messrs.

Fillan.

Messrs.

Murphy, J. M.
McCord,
Merritt,
Mitchell,
Page,
Preston,
Saxton,
Shepherson,
Stewart,
Turner,

So the bill was passed.

On motion of Mr. Briden that

The House proceeded to consider the minority report of the Committee on Education recommending that amendments to the bill of the House (H. R. 87) entitled An act to maintain a system of free common schools for the state of Arkansas.

Mr. Chapline moved that the report be adopted.

Pending the consideration of the motion.

A message from the Senate by Mr. Orrick their secretary, viz:-

Senate Chamber, March 14, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate J. Res No 11 a joint resolution to approve the bonds of the sheriff, clerk and treasurer of Hempstead county and herewith transmit the same for your honorable consideration,

The question being on the motion that the

minority report of the Committee on Education be adopted.

Mr. J. W. Johnson moved as a substitute that the further consideration of the report be postponed, and that the subject be made special order in the Committee of the Whole House, for 11 o'clock A. M. of Friday, March 21, 1873.

Which was not agreed to.

The question being on the motion that the minority report of the Committee on Education be adopted.

Pending the consideration of the motion.

On motion of Mr. Copeland,

Ordered. That the further consideration of the subject be postponed and be made special order in the Committee of the Whole House, for 11 o'clock and 30 minutes A. M., of Monday, March 17th, 1873.

The hour of 11 o'clock A. M. having arrived,

The House passed to the consideration of the special order set for that hour being the consideration of the bill of the Senate (S. R. 96) entitled An act to provide for the payment of Jurors and witnesses in Justices courts.

Pending which,

Mr. Shepperson moved that the consideration of the special order be postponed for 10 minutes and that the House pass to the consideration of the joint resolution of the Senate (S. Jt. Res. 11) a joint resolution to approve the bond of the sheriff, clerk and treasurer of Hempstead county.

Which was not agreed to.

Mr. Wheat, at 11 o'clock and 2 minutes A. M., moved that the House adjourn.

Mr. Sandifer asked for the year and nays.

The question being put,

It was decided in the negative — year 13, nays 49.

The year and nays being decided by sufficient number

Those who voted in the affirmative are;-

Messrs.

Brown, Chas. F.
Cook,

Messrs.

Nicholson,
Miller,

Messrs.

Copeland,
Jorlyn,
Johnson, Adam
Johnson, J.A.
Lee,

Those who voted in the negative:-

Messrs.

Barber,
Shrigley,
Snyder,
Wheat.

Messrs.

Berry, J.H.
Berkley,
Chaffin,
Corbell,
Cleveland,
Chandler,
Cate,
Erwin,
Eagle,
Fox,
Foster,
Gist,
Gilbreath,
Garrett,
Gibson,
Hankins, O.S.
Hankins, Monroe,
Harley,
Kenbston,
Kelt,
Lynn,
Latta,
Murphy, J.M.
Murphy, Wm.
McLeod,

So the House refused to adjourn.

The House resumed consideration of the bill of the House (H.R. 96) entitled an act to provide for the payment of jurors and witnesses in justices courts.

Pending the reading of the bill.

On motion of Mr. Kingston,

Ordered, That the further consideration of the bill be indefinitely postponed.

Messrs.

Marshall,
McVeigh,
Matheny,
Preston,
Pindall,
Parrish,
Rawlins,
Reid,
Robertson,
Robinson
Spears,
Stephenson,
Shepherd
Strong,
Sculpter,
Stewart,
Thomas,
Thornton,
Tiller,
Turnbury,
Walker,
Williams
Wright,
The Speaker,

The house proceeded to consider the special order set for 11 o'clock A. M., being the consideration of the bill of the House (H. R. 341) entitled, An act to provide the mode of holding all general and special elections, registration of electors, preserve the purity of the ballot, and to repeal an act entitled an act to provide for the election of all executive and judicial officers, members of the General Assembly, representatives of the state in the Congress of the United States, and presidential electors, approved July 23, 1868; also to repeal an act to provide for a registration of the legal voters in the state of Arkansas approved July 15, 1868.

Pending the reading of the bill

The hour of 11 o'clock and 30 minutes A. M. having arrived,

On motion of Mr. McMillen

The House passed to the consideration of the special order set for that hour, being the consideration of the bill of the House (H. R. 238) entitled An act to protect tax-payers in their rights.

Pending which

Mr. J. A. Berry moved that the consideration of the special order be postponed for 30 minutes.

Which was not agreed to.

The bill was then read a third time, and

Under a suspension of the rule

On motion of Mr. McMillen.

The bill was amended by inserting after the word "receive" in section 2, line 3, the word "any" and before the word "Treasurer" and after the word "certificate" in the same line, insert the word "or"; and also in the 4th line after the words "Auditor's warrants", insert the words "issued prior to the 1st day of April 1873, or county scrip or warrants."

Ordered,

On motion of Mr. McMillen,

Ordered, That the bill be engrossed for a third reading and be made special order for 12 o'clock M. of Monday, March 17, 1873.

On motion of Mr. J. M. Murphy,

Ordered, That the bill set for the special order at the same hour, in the Committee of the Whole

House (H. R. 211) entitled An act for the more efficient administration of the criminal laws of this state; the apprehension and arrest of criminals, and the establishment of a metropolitan police district of the state of Arkansas, and for the government of the same, be engrossed for a third reading and be made special order for 12 o'clock M., of Tuesday, March 18, 1873.

Mr. Chaplin gave notice that he would move to reconsider the vote last taken.

The hour of 12 o'clock M. having arrived.

The House proceeded to consider the special order set for that hour being the consideration of the joint resolution of the House (H. Jt. Res. 19) a joint resolution proposing to amend section 3 of Article 7 of the constitution.

Pending which.

On motion of Mr. J. H. Berry.

The consideration of the special order was postponed for 30 minutes.

Mr. J. H. Berry moved that the House resume consideration of the bill of the House (H. R. 34) entitled an act to provide the mode of holding all general and special elections, registration of electors preserve the purity of the ballot, and to repeal an act entitled an act to provide for the election of all executive and judicial officers, members of the General Assembly, representatives of the state in the Congress of the United States, and presidential electors, approved July 23, 1868, also to repeal an act to provide for a registration of the legal voters in the state of Arkansas, approved July 15, 1868

Pending the consideration of the motion.

Mr. Dobyns at 1 o'clock and 2 minutes, P. M. moved that the House adjourn, and asked for the yeas and nays.

The question being put,

It was decided in the negative.—yeas 34 nays 36.

The yeas and nays being desired by five members.

Those who voted in the affirmative are:-

Messrs

Berry, L. E.
Bryan, Chas. F.
Corbell,
Coit,
Copeland.
Fox,
Grissom,
Hankins, A. Mc.
Hankins, O. S.
Hankins, Monroe.
Harris.
Joslyn,
Johnson, Adam
Johnson, J. H.
Kingston,
Kent,
Murphy, Mm.

Messrs.

Marshall,
Mullen,
Nunn,
Page,
Rawlins,
Robinson,
Saber,
Shapard,
Spears,
Stephenson,
Stubbeman,
Strong,
Stewart,
Turner,
Wheat,
Williams,
The Speaker.

Those who voted in the negative are:-

Messrs.

Berry, J. H.
Beasley,
Bridenthal,
Chapline.
Cleveland,
Chandler,
Chapman,
Cate,
Cunningham,
Ennis,
Eagle,
Firebush,
Foster,
Gist,
Hulbreath,
Jarrett,
Harley,
Lynn,

Messrs.

Latta,
Murphy, J. Mc,
McCord,
McKeigh,
Mahaney,
Preston,
Randall,
Parrish,
Reid,
Robertson,
Sumpter,
Turner,
Thomason,
Tillar,
Thornberry,
Warwick,
Walker,
Wright,

So the House refused to adjourn.

The question then being on the motion that the House reconsider consideration of the

bill of the House (H. R. 34) entitled An act to provide the mode of holding all general and special elections, registration of electors preserve the purity of the ballot, and to repeal an act entitled an act to provide for the election of all executive and judicial officers, members of the General Assembly, representation of the state in the Congress of the United States and presidential electors, approved July 23. 1868; Also to repeal an act to provide for a registration of the legal votes in the state of Arkansas, approved July 15, 1868.

Mr Beasley asked for the yeas and nays.

The question being put,

It was decided in the negative.— yeas 32, nays 33.

The yeas and nays being desired by five members.

Those who voted in the affirmative are:-

Messrs.

Berry, J. H.
Beasley,
Brideenthal,
Cleveland,
Chandler
Chapman,
Cate,
Cunningham,
Erwin,
Eagle,
Foster,
Gist,
Gilbreath,
Gossett,
Harley,
Lynn.

Messrs.

Latta,
McNeigh,
Matheny,
Prestri,
Pindall,
Parish,
Reid,
Robertson,
Sumpter,
Thorn,
Thomason,
Tillar,
Thornbury,
Warwick,
Walker,
Wright.

Those who voted in the negative are;

Messrs.

Berry, C. E.
Brown, Chas. F.
Cockrill,
Cook,

Messrs.

Murphy, Wm.
Mcdonald,
Miller,
Nunn,

Messrs.

Copeland.
Dox.
Faulkner.
Grimm.
Hankins, A. M.
Hankins, O. S.
Hankins, Moses
Harris,
Joslyn,
Johnson, Adam
Johnson, J. A.
Knight.
Kent,

Messrs.

Rawlins.
Robinson,
Saber.
Spears.
Stephenson.
Shepperson.
Stuart,
Stewart
Turner,
Wheat,
Williams.
The Speaker,

So the motion was not agreed to.

Mr. Dox moved that the rules be suspended for the purpose of receiving reports from the Committee on the Judiciary.

Which was not agreed to. (two-thirds of the members present not voting therefor)

Mr. Faulkner moved that the House pass to the consideration of the bill of the House (H. R. 226) entitled An act to create the county of Coolidge and for other purposes.

Mr. Coit moved that the motion be laid on the table;

Pending which.

Mr. J. M. Murphy, at 1 o'clock and 25 minutes P. M., moved that the House adjourn.

Mr. J. A. Berry asked for the yeas and nays.

The question being put.

It was decided in the affirmation, — yeas 35, nays 34.

The yeas and nays being decided by five members.

Those who voted in the affirmation are:

Messrs.

Berry, C. E.
Brown, Chas. D.
Cordell,
Copeland
Coit,

Messrs.

Lee.
Murphy, J. M.
Murphy, Wm
Miller,
Page

Messrs.

Copeland,
Davis,
Fox,
Grissom,
Hankins, A. M.
Hankins, O. S.
Hankins, Messrs
Harris,
Ivey, Jr.,
Johnson, Adam
Johnson, J. H.
Kingston,
Kent.

Messrs.

Rawlins,
Sasser,
Shipley,
Speas,
Stephenson,
Strong,
Stewart,
Turner,
Warwick,
Wheat,
Williams,
The Speaker,

There who voted in the negative are:-

Messrs.

Berry, J. H.
Bellamy,
Brickenthal,
Chaplin,
Chandler,
Chapman,
Cate,
Cunningham,
Erwin,
Eagle,
Fairbush,
Gilbreath,
Green,
Harley
Lynch,
Latta,
McLeod.

Messrs.

Marshall,
McVeigh,
Matheny,
Preston,
Pindall,
Parish,
Reid,
Robertson,
Robinson,
Shepperson,
Sumpter,
Thomas
Thomason.
Tillar,
Thornburg,
Walker,
Wright

So the motion was agreed to,

And,

The House accordingly at 1 o'clock and 30 minutes P. M. adjourned until 10 o'clock A. M. of Monday, March 17, 1873.

Approved

Speaker.

Attest

Clerk.

Monday. March 17, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:

Messrs: C. E. Berry, J. H. Berry, Neal Brown, Chas. F. Brown, Beasley, Breidenthal, Chaplin, Corbell, Cleveland, Coit, Copeland, Chandler, Chapman, Cate, Ennis, Eagle, Fox, Faubush, Foster, Gist, Gilbreath, Green, A. H. Hawkins, O. F. Hawkins, Thomas Hawkins, Davis, Hanley, Jolyn, Adam Johnson, J. H. Johnson, Joyner, Kingston, Kent, Lee, Lynn, Latta, J. H. Murphy, Wm. Murphy, McLeod, Marshall, McGehee, Merritt, Millen, McVeigh, Matheny, Nunn, Page, Preston, Crisdall, Parish, Rawlins, Reid, Robertson, Robinson, Sabin, Shipley, Shappard, Spears, Stephenson, Shepperson, Strong, Simpter, Stewart, Thomas, Thomason, Tillar, Thornburg, Warwick, White, Wheat, Walker, Williams, Wright The Speaker,

Prayer by the Chaplain.

The journal of Saturday, March 15, was read and approved.

Under a suspension of the rules for that purpose.

Mr. Thornburg, introduced a bill (H. R. 270) entitled An act to abolish the office of Commissioner of Public Works and Internal Improvements and confer the powers and impose the duties of the same on the Commissioner of Immigration and State Lands.

Which was read a first time.

By unanimous consent.

Under a suspension of the rules.

The bill was read a second time by title.

Mr. Gist, moved that the rules be further suspended, and that the bill be read a third time and placed upon its passage.

Mr. Kent, moved as a substitute that the bill be referred to the Committee on the Judiciary,

Pending the consideration of the motions.

After debate.

A message from the Senate by Mr. Quick their Secretary, viz:

Senate Chamber,

Mr. Speaker: I am instructed by the Senate to inform your honorable body, that the Senate have concurred in the amendments adopted and passed by the House to (Senate Bill No 58) entitled An act to establish and organize the county of Clayton, and for other purposes.

The hour of 10 o'clock and 30 minutes A. M. having arrived,

The House proceeded to consider the special order set for that hour, being the consideration of the joint resolution (H. J. Res 21) a joint resolution instructing the Senators in Congress from Arkansas to use their influence to secure the mail service on the Arkansas river to a line of Steamboats who will accommodate the public by carrying passengers

On motion of Mr. Copeland,

The consideration of the special order was postponed until 10 o'clock and 30 minutes A. M., on the morrow.

The House resumed consideration of the motion that the bill of the House (H. R. 2701) entitled An act to abolish the office of Commissioner of Public Works and Internal Improvements and confer the powers and impose the duties of the same on the Commissioner of Immigration and State Lands, be referred to the Committee on the Judiciary,

After debate,

Mr. J. M. Murphy moved the previous question which was seconded and under the operation thereof the motion was disagreed to.

The question then recurring on the motion that the rules be suspended and the bill read a third time and placed upon its passage

Mr. A. M. Hankins asked for the year and nays.

The question being put,

It was decided in the affirmative-yeas 57, nays 15,

The year and nays being demanded by five members,

There who voted in the affirmative are:-

Messrs.

Berry, C. E.
Berry, J. H.
Brown, Neal
Brown, Chas. F.
Bearley,
Bri Eleuthal,
Corbell,
Cleveland,
Copeland,
Chandler,
Chapman,
Cunningham,
Davis,
Ennis,
Eagle,
Edwards,
Foster,
Gist,
Gilbreath,
Garrett,
Grimes,
Hankins, Mount
Harris,
Hadley,
Jolyon,
Johnson, Adam
Johnson, J. H.
Joyner,
Kincaton,

Messrs.

Kent,
Lee,
Lynch,
Latta,
Murphy, J. M.
Murphy, Wm.
McLeod,
McGehee,
Merritt,
Millen
McVeigh,
Matheny,
Pretlow,
Pindell,
Parrish,
Rawlins,
Reid,
Robertson,
Robinson,
Strong,
Sumpter,
Thomas,
Tilghman,
Thornburg,
White,
Wheat,
Walker,
Wright,

Those who voted in the negative are:-

Messrs:

Chaplin,
Cobb,
Hankins, A. M.
Hankins, O. S.
Nunn,
Sarber,
Shipley,
Shepperd,

Messrs.

Spears,
Stephenson,
Stewart,
Thomas,
Warwick,
Williams,
The Speaker.

So the motion was agreed to, (two-thirds of the members present voting therefor).

And,
The bill was accordingly read a third time and placed upon its passage.
Pending which,
The hour of 11 o'clock and 30 minutes A. M., having arrived,
The House proceeded to consider the special order set for that hour, being the consideration of the majority and minority reports of the Committee on Education.
Pending which,
On motion of Mr. Latta,
The consideration of the special order was postponed until 12 o'clock and 45 minutes P. M.,
The House resumed consideration of the bill House (H. R. 2701) entitled An act to abolish the office of Commissioner of Public Works and Internal Improvements and confer the powers and impose the duties of the same on the Commissioner of Immigration and State Lands.
After debate,
The hour of 12 o'clock M. having arrived,
The House proceeded to consider the special order set for that hour being the consideration of the bill of the House (H. R. 238) entitled An act to protect tax-payers in their rights.
Pending which,
On motion of Mr. Reid,
The consideration of the special order was postponed for 45 minutes.
The House resumed consideration of the bill of the House (H. R. 2701 entitled An act to abolish the office of Commissioner of Public Works and Internal Improvements and confer the powers and impose the duties of the same on the Commissioner of Immigration and State Lands.
After further debate,
Mr. L. H. Berry moved that the bill be referred to the Committee on the Judiciary with instruction to report on the morrow.
The hour of 12 o'clock and 45 minutes

P. M., having arrived, being the hour to which the several special orders were postponed.

Mr. McVeigh moved that the special orders be further postponed for 30 minutes.

Mr. Warwick moved as an amendment that the several special orders set for the day be then taken up in their order.

Which was agreed to.

The motion as amended was then agreed to.

The House resumed consideration of the motion that the bill under consideration be referred to the Committee on the Judiciary with instruction to report on the same.

After further debate,

Mr. Copeland moved the previous question which was seconded and under the operation thereof the motion was disagreed to.

The hour of 1 o'clock and 15 minutes P. M. having arrived,

On motion of Mr. Neal Brown,

The consideration of the several special orders was further postponed for 30 minutes.

Mr. McLeod, from the Committee on Enrolled Bills reported correctly enrolled the bill of the House (H. B. 901) entitled An act to repeal sections 6, 7, 8 and 9, of an act to incorporate the trustees of Hillsboro' Male and Female Academy in Marion county and to prevent the sale of spirituous liquors within three miles of the town of Hillsboro approved January 10, 1861.

Also the bill of the House (H. R. 911) entitled an act to amend an act to prevent the sale of spirituous liquors within two miles of Mountain Home Male and Female Academy in Marion county and Three Creeks Female Institute in Lincoln county Arkansas. approved January 19, 1861.

Also the bill of the House (H. R. 134) entitled An act to extend the time for the payment of the amounts due the state from the securities on the bond of John Innes, late sheriff and ex-officio collector of Boone county, and for other purposes.

Also the bill of the House (H. R. 183) entitled An act to extend the time for payment of taxes for the year 187[illegible]

Also, the bill of the House (H. R. 2061 entitled An act to provide for the payments of fees due registers and receivers of United States land offices for locating, patenting, listing, and certifying to the state lands granted thereto under the several acts of Congress.

Also, the memorial of the House (H. Mem. 10) a memorial to the Congress of the United States for the passage of an act to provide for the sale of a portion of the Hot Spring reservation.

The House resumed consideration of the bill of the House (H. R. 270) entitled An act to abolish the office of Commissioner of Public Works and Internal Improvements and confer the powers and impose the duties of the same on the Commissioner of Immigration and State Lands.

Mr. Flynn moved that the further consideration of the bill be postponed and be made special order in the Committee of the Whole House for 11 o'clock A.M., on the morrow.

Mr. Reid moved as an amendment that the House resolve itself into the Committee of the Whole House for the further consideration of the bill.

Pending the consideration of the motion the hour of 10 o'clock and 45 minutes P.M. having arrived, being the hour to which the several special orders set for the day were postponed

Mr. Bryden then moved that the consideration of the special orders be postponed until 10 o'clock and 30 minutes A.M., on the morrow.

Mr. McCluhee moved as an amendment that the consideration of the special orders be postponed for 30 minutes.

Which was not agreed to.

The question then recurring on the motion that the consideration of the special orders be postponed until 10 o'clock and 30 minutes A.M., on the morrow.

It was agreed to.

The question then being on the motion that the House resolve itself into the Committee of the Whole House for the further consideration of the bill under consideration.

Mr. Corbett moved the previous question, which was seconded and under the operation thereof the motion was disagreed to.

The question then recurring on the motion that the further consideration of the bill be postponed and be made special order, in the Committee of the Whole House for 11 o'clock A.M., on the morrow.

It was not agreed to.

After further debate,

Mr. J. M. Berry moved that the House resolve itself into the Committee of the Whole House for the further consideration of the bill.

Mr. Sadler moved as an amendment that the further consideration of the bill be postponed and be made special order for 1 o'clock P.M., on the morrow.

Mr. Cate moved as a substitute that the bill be referred to the Committee of the Whole House and be made special order for 7 o'clock and 30 minutes P.M.

Which was not agreed to,

The question then recurring on the motion that the further consideration of the bill be postponed and be made special order for 1 o'clock P.M., on the morrow,

It was not agreed to.

The question recurring on the motion that the House resolve itself into the Committee of the Whole House for the further consideration of the bill.

Pending which.

Mr. J. M. Johnson, at 2 o'clock and 19 minutes P.M., moved that the House adjourn,

Which was not agreed to.

The question then being on the motion that the House resolve itself into the Committee of the Whole House for the further consideration of the bill.

It was agreed to.

Ayes,

The House accordingly resolved itself into the Committee of the Whole House, and

After some time spent therein,

The Speaker resumed the chair, and

Mr. J. M. Johnson reported that the committee having, according to order had under consideration the Bill of the House (No. R. 270) entitled "An act to abolish the office of Commissioner of Public Works and Internal Improvements, and to confer the powers and impose the duties of the same on the Commissioner of Immigration and State Lands, reported the same and recommended its passage.

The question being on the passage of the bill Mr. J. A. Berry moved the previous question which was seconded, and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative.- yeas 51, nays 8, not voting 23.

Those who voted in the affirmation are:-

Messrs.

Berry, J. M.
Brown, Chas. F.
Brearley,
Brideenthal,
Chaplin,
Corbell,
Copeland,
Chandler,
Chapman,
Cate,
Cunningham,
Davis,
Ennis,
Eagle,
Fairbanks,
Gist,
Hildreth,
Jarratt,
Jarman,
Hawkins, O. S.
Hawkins, Mamie
Harris,
Harley,
Jordan,
Joyner,
Lee,
Lynn,
Latta,
Murphy, Wm.
McLachee,
Merritt,
McVeigh,
Mahoney,
Pindall,
Parrish,
Rankins,
Reid,
Robertson,
Robinson,
Sharpard,
Speers,
Stephenson,
Shepperson,
Stamy,
Sumpter,
Tillar,
Thornburg,
White,

Messrs.
Johnson, Adam
Johnson, J. Mc.
Those who voted in the negative:-
Messrs.
Berry, B. E.
Kidgaton,
McAllen,
Nunn,
Those absent or not voting are:-
Messrs.
Beardsley,
Brown, Neal
Cleveland,
Coit,
Conway,
Fox,
Foster,
Hawkins A. Mc.
Haynes
Kent,
Murphy J. Mc.
McLord.
So the bill was passed.

Pending the vote.
Mr Hanley (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-
I am not a constitutional lawyer, but know something about interpreting language, When I introduced the resolution on which the committee on state lands based their report. I thought then that the board of public works was created by the constitution, and could be reached only by an amendment to the organic law; but on reexamination, that "its is or "until otherwise provided for", Now, sir, construing this proviso into its true sense, according to the obvious context and meaning of the language, the law proposed to be enacted otherwise unless it in my judgment the highest and best interests of the country demand that this unprecedented.

Messrs.
Walker,
Those who voted in the negative:-
Messrs,
Shrigley,
Stewart,
Turner,
The Speaker,
Those absent or not voting are:-
Messrs,
Marshall,
Mitchell,
Page,
Preston,
Sayler,
Thorne,
Thurman,
Warnick,
Wheat,
Williams,
Wright,

and unnecessary expenditure should be cut off. I know nothing of the incumbent of the Board of Public Works. I have not the honor even of his acquaintance; have no personal interest in the matter other than to relieve the people from unnecessary taxation for an office that is more than a sinecure.

Mr. Kingston (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: In casting my vote upon this question I desire to place my reasons for casting the same in the negation upon the grounds of this House for the reason that I do not desire that some of the advocates of this measure may herald to the world the statement that I voted against this measure for the reason that I am opposed to retrenchment and reform. I vote no, for the reason that I am satisfied that section 23 of the constitution provides for the office of Commissioner of Public Works and that the words "otherwise provide" mean not, that the office be subject to the control of the legislature but that the legislature may provide the manner of filling the office of Commissioner of Public Works. I do not desire to place myself in the position of voting for a measure that to my mind is clearly unconstitutional for the mere purpose of satisfying popular clamor, rather desiring that the finger of scorn be pointed at me all over the Kingdom and South of the land than to cast my vote for a measure, that certainly will not stand the test of a judicial decision.

Mr. Millen (when his name was called) asked that his name be attached to the explanation of Mr. Kingston.

Mr. Stewart (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker; Believing that the office of Commissioner of Public Works is a consti-

tutional office, the legislature cannot by a majority vote abolish the office. I therefore vote no.

The Speaker (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:—

In explanation of my vote on the passage of this bill, abolishing the office of commissioner of Public Works and Internal Improvements, I will say that I am in favor of a consolidation of this office with the office of Commissioner of Immigration and State Lands, I must oppose, however, this bill in its present form on account of its unconstitutionality. I have suggested how in my opinion a bill can effectuate this consolidation, without any constitutional objection thereto. I have been debarred from supporting a measure of this character by the supercilious zeal of a few weak legal minds in this body. For the reasons given, I vote no.

The vote was then announced as above.

Mr. J. M. Murphy, gave notice that he would at a subsequent time submit a motion to amend the rules of the House.

The House resumed the order of unfinished business.

When,

Mr. Fairbanks moved that the House pass to the consideration of the bill of the House (H. R. 226) entitled An act to create the county of Coolidge, and for other purposes.

Which was not agreed to.

Mr. Copeland at 2 o'clock and 54 minutes P. M. moved that the House adjourn.

Which was not agreed to.

Mr. Fairbanks again moved that the House pass to the consideration of the bill of the House (H. R. 226) entitled An act to create the County of Coolidge, and for other purposes.

Pending which,

Mr. Chapline moved that the House take a recess until 7 o'clock and 30 minutes P. M.

Mr. J. H. Johnson moved that the House adjourn,

Which latter motion was agreed to.

And,

The House accordingly at 2 o'clock and 55 minutes, P. M., adjourned.

Approved

Speaker,

Attest

Clerk.

Tuesday, March 18, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. C. E. Berry, J. H. Berry, Neal Brown, Chas. F. Brown, Beasley, Bridgenthal, Chaplin, Corbell, Cleveland, Copeland, Chandler, Cate, Davis, Ennis, Eagle, Fox, Furbush, Foster, Gist, Gilbreath, Green, A. H. Hawkins, Manor, Hawkins, Harris, Hanley, Joslyn, Joynes, Kingston, Kent, Lee, Latta, Wm. Murphy, McLeod, Marshall, McGehee, Merritt, Matheny, Mitchell, Brown, Preston, Ringdall, Rawlins, Reid, Robertson, Robinson, Sarber, Shipley, Shappard, Spears, Stephenson, Shepperson, Strong, Stewart, Tynes, Thomason, Thornton, White, Walker, Wright, The Speaker.

Prayer by the chaplain,

The journal of Monday was read and approved,

Under a suspension of the rules for that purpose,

Mr. Shappard introduced a bill (H. R 271) entitled An act for the relief of the people of Pope county, and for other purposes.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title,

Mr. Furbush moved that the bill be referred to the Committee on the Judiciary,

Mr. Shappard moved as an amendment

that the committee be instructed to report the bill by 10 o'clock A. M., on the morrow, and that the bill be made a special order for 11 o'clock A. M. of that day.

Mr. Fairbank accepted the amendment.

Mr. Keet moved as a substitute that the bill be referred to the select committee with instructed to report such measures as will reduce the expenses and improve the financial condition of the state.

Pending the consideration of the motions.

The hour of 10 o'clock and 30 minutes A. M. having arrived being the hour to which the consideration of the majority and minority reports of the Committee on Education was postponed.

Pending which.

On motion of Mr. Keet.

The consideration of the special order was postponed for 10 minutes.

The question then being on the motion that the bill be referred to the select committee instructed to report such measures as will reduce the expenses and improve the financial condition of the state.

Mr. Shappard moved the previous question, which was seconded, and under the operation thereof the motion was disagreed to.

The question then being on the motion that the bill be referred to the Committee on the Judiciary, with instruction to report the bill by 10 o'clock A. M., of that day.

It was agreed to.

Under a suspension of the rules for that purpose.

Mr. Chapline introduced a bill (H. R. 272) entitled an act defining the duties of Police judges and justices of the peace in certain cases.

Which was read a first time.

By unanimous consent.

Under a suspension of the rules.

The bill was read a second time by title.

Mr. Fairbank moved that the bill be referred to the Committee on the Judiciary.

Mr. Corbell moved as a substitute that

the bill be ordered engrossed for a third reading and be made special order for 11 o'clock A. M., of Friday, March 21, 1873.

Pending the consideration of the motions,

The hour of 10 o'clock and 40 minutes A. M. having arrived, being the hour to which the consideration of the special order set for 10 o'clock and 30 minutes A. M. was postponed,

Mr. Sheppurn moved that the special order be postponed for 10 minutes.

Which was not agreed to.

After discussion,

Mr. Fox moved that the consideration of the special order be postponed for 10 minutes for the purpose of receiving reports from the Committee on the Judiciary.

Which was not agreed to

The House then proceeded to consider the special order set for the above hour being the consideration of the majority report of the Committee on Education, recommending the passage of the bills of the House (H. R. 233) entitled An act to amend sections 9, 16 and 17 of an act for the better regulation of schools in cities and towns, approved February 14, 1869, and (H. R. 234) entitled An act to establish and maintain a system of free common schools for the state of Arkansas, together with the minority report of the same committee recommending amendments to the bill of the House (H. R. 87) entitled An act to maintain a system of free common schools for the State of Arkansas;

The question being on the motion that the minority report of the committee be adopted,

Pending the consideration of the motion;

A message from the Senate by Mr. Woodford, one of their secretaries, viz:

Senate Chamber, March 18, 1873.

Mr. Speaker; I am instructed by the Senate to inform your honorable body of

the passage by the Senate of (S.B. No 100) entitled, A bill to provide for the cancellation of county scrip, and (but for Bills Nos 46 & 95) entitled an act to redistrict the state for congressional purposes, and herewith transmit the same for your favorable consideration.

The question being on the motion that the minority report of the Committee on Education be adopted,

After debate,

Mr. Chaplin moved the previous question which was seconded, and under the operation thereof the minority report of the committee was adopted, and the amendments recommended by the report were accordingly agreed to.

Mr. Bickenthal moved that the bill be further amended by adding to section 21, the following proviso, viz:—

"Provided that in no tax for purposes aforesaid greater than one half of one per cent on the assessed value of the taxable property shall be levied"

Mr. Cobell moved the previous question which was seconded, and under the operation thereof the amendment was agreed to.

Mr. J. M. Johnson moved that the bill be further amended by striking out the word "elected" wherever it occurs in the bill and inserting in lieu thereof the the words "appointed by the governor"

After debate,

The hour of 12 o'clock M., having arrived, being the hour set for the consideration of the bill of the House (H.R. 211) entitled An act for the more efficient administration of the criminal laws of this state; the apprehension and arrest of criminals; and the establishment of a metropolitan police district of the state of Arkansas, and for the government of the same.

On motion of Mr. J. M. Murphy,

The consideration of the special order

man postponed, and the bill recommitted to the Committee on the Judiciary for the purpose of amendment with instruction to report the same by 11 o'clock A. M. of Friday, March 21, 1873.

The question being on the motion that the bill be further amended by striking out the word "elected" wherever it occurs in the bill and inserting in lieu thereof the words "appointed by the Governor"

Mr. J. M. Johnson moved the previous question, which was seconded and under the operation thereof the motion was disagreed to.

Mr. Neal Brown moved that the bill be further amended by inserting the following proviso, viz:-

"Provided, however, that all warrants issued upon the treasurer for teachers or building purposes, in addition to the signature of the trustee, there shall be the signature of two justices of the peace that reside in the school district,

After debate,

Mr. Corbell moved the previous question, which was seconded, and under the operation thereof the amendment was disagreed to.

Mr. Bridenthal moved that the bill be ordered engrossed for a third reading and be made special order for 10 o'clock and 30 minutes. A. M. of Saturday March 22, 1873, and, also, moved the previous question.

The question being put, Shall the main question be now put?

It was decided in the negative.

So the House refused to order the main question.

Mr. Kingston moved that the bill be further amended by adding to section 21, the following proviso, viz:-

Provided: That the inhabitants of any district may by a vote of a majority of all

resident taxpayers in any district levy a greater amount of taxes in any school district in the state.

Mr. J. M. Murphy moved the previous question, which was seconded, and under the operation thereof the motion was disagreed to.

Mr. Neal Brown moved that the bill be further amended by striking out, in section 20, line 2, the words "not less than five" and inserting in lieu thereof the words "not less than twenty-five".

Which was not agreed to.

Mr. White moved that the bill be further amended by adding to section 21, the words:-

"That any school district in this state shall have power to levy a greater amount than one-half of one per centum and not to exceed one per centum of taxes for the teachers fund, if voted for by a majority of the legal votes in such school district, and provided further, that the trustees of school districts in any city or incorporated town may make such levy without submitting it to such legal votes of such school district".

After de bate.

Mr. Bate made the point of order, That the motion to amend could not be entertained under the rule of the House providing that no motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered, and every such proposition shall receive its full discussion in a Committee of the Whole House.

The Speaker (Mr. Fox in the chair) ruled the point of order not well taken; that the motion to amend did not contemplate the levying of a tax but placed a limitation upon the power of districts, cities and towns, in the matter of taxation for a certain purpose.

Mr. Furbush moved that the House resolve itself into the Committee of the Whole House for the further consideration of the bill.

Which was not agreed to.

The question being on the motion to amend On motion of Mr. J. M. Murphy.

Under the operation of the previous question, the motion was amended by striking out the words "And provided further that the trustees of school districts in any city or incorporated town may make such levy without submitting it to such legal voters of such school district".

Mr. Robinson moved that the bill and motion to amend lie on the table subject to the call of the House.

Which was not agreed to.

The question then recurring on the motion to amend as amended,

Mr. Chapline moved the previous question, which was seconded, and under the operation thereof the amendment was adopted.

Mr. Thorne moved that the vote last taken be reconsidered.

Mr. Sumpter asked for the yeas and nays.

The question being put,

It was decided in the affirmative,—yeas 36, nays 26.

The yeas and nays being desired by five members.

Those who voted in the affirmative are:

Messrs.

Berry, J. M.
Bewley,
Bridenthal,
Chapline,
Cleveland,
Chandler,
Cole,
Cunningham,
Davis,
Evans,
Eagle,
Fitzhugh,
Gist,
Gilbreath,
Hazlett,
Harley,

Messrs.

Latta,
Murphy, Wm.
Merritt,
McVeigh,
Matheny,
Mitchell,
Nixon,
Preston,
Prindall,
Pugsley,
Reid,
Robertson,
Shepherson,
Sumpter,
Thorne,
Thurman,
Tillar,

Messrs. Flannery
Walker,
Wright,

Those who voted in the negation are:-

Messrs.

Kingston,
McLeod,
Rawlins,
Robinson,
Shipley,
Spears,
Stephenson,
Stuny,
Stewart,
Warwick,
White,
Wheat,
Williams,

Messrs.

Berry, G. E.
Brown, Neal
Brown, Chas F.
Corbell,
Copeland,
Chapman,
Fox,
Gunnoe,
Hankins, O. D.
Hankins, Morris
Joslyn,
Johnson, Adam,
Johnson, J. M.

So the motion to reconsider was agreed to.

And,

The question being again on the motion that the bill be further amended by adding to section 21 the words,

"That any school district in this state shall have power to levy a greater amount than one half of one per centum and not to exceed one per centum of the taxes for the teachers fund, if voted for by a majority of the legal votes in such school district."

Mr. Kingston asked for the yeas and nays.

The question being put,

It was decided in the negative, — yeas 27, nays 36.

The yeas and nays being desired by five members,

Those who voted in the affirmative are:-

Messrs.

Berry, G. E.
Brown, Neal
Corbell,
Copeland,
Chapman,
Murphy, J. M.,
Roberts,
Robinson,
Shipley,
Spears,

Messrs.

Fox,
Gunnell,
Hankins, O. S.
Hankins, Moses,
Joslyn,
Johnson, Adam
Johnson, J. H.
Kingston,
Kent.

Messrs.

Stephenson,
Shepperson,
Strong,
Stewart,
Warwick,
White,
Wheat,
Williams.

There who voted in the negative are:-

Messrs.

Berry, J. H.
Cleveland,
Chandler,
Cate,
Cunningham,
Daniel,
Ennis,
Eagle,
Fishback,
First,
Gilbreath,
Gossett,
Harris,
Harley,
Joyner,
Lynch,
Latta,
Murphy, Wm.

Messrs.

McLeod,
Merritt,
McVeigh,
Mayberry,
Mitchell,
Nunn,
Preston,
Pindall,
Parish,
Rawlins,
Reid,
Sumpter,
Thorn,
Thompson,
Tillar,
Thornburg,
Walker,
Wright.

So the amendment was not agreed to,

Then,

On motion of Mr. J. H. Berry

Under the operation of the previous question

Ordered, That the bill be engrossed for a third reading and be made special order for 10 o'clock and 30 minutes A. M., of Saturday March 22, 1873.

Under a suspension of the rules for that purpose,

Mr. McVeigh, from the Committee on the Judiciary, to whom was referred the bill of the House (H. R. 194) entitled An act to provide for holding

the supreme court in four places, reported the same and recommended that the bill be amended, as follows

On line five in section 1, strike out the word "March" and insert the word "August" in lieu thereof. — On line eight in section 1, strike out the word "August" and insert the word "February" in lieu thereof. At the conclusion of section 1 add "unless the funds of the court be sooner disposed of." That Montgomery county be taken from the Fort Smith district and added to the Camden district, That Chicot county be taken from the Camden district and added to the Little Rock district.

Mr. Pindall, from the same committee, submitted the following minority report thereon,

Mr. Speaker; The undersigned of the committee on Judiciary to whom was referred House bill No 194 or bill, do not concur in the recommendation of the majority that the bill pass, but believe that the best interest of the people and the efficiency of the court demand that the bill be rejected. We have no evidence that the people desire such a change. A library containing at least a full set of the English and American reports and the standard text books in use is indispensable in the examination of cases before the court, and in no one of the places named can be found even a full set of the American reports. To enable the court to investigate the cases that would come before it; with that research necessary to determine the law and establish precedent the state would have to provide a library at each place, at the aggregate cost of $60,000. Add to this the cost of court rooms, furniture &c and we have an expenditure that the state at this time with her credit at 50%, her bonds at less than 40%, her overdue interest unpaid and this extra session legislature to provide for, is ill able to make

M. J. Pindall,

Mr. Kincannon moved that the reports of the committee lie on the table and be made special order for 10 o'clock and 30 minutes,

A. M., of Monday, March 24, 1873.
Pending which,
On motion of Mr. Warwick,
Ordered, That the reports lie on the table.
Other reports being sent to the clerk's desk
from the Committee on the Judiciary.
On motion of Mr. McVeigh,
Ordered, That the further consideration
of the reports be postponed and be made
special order for 10 o'clock and 30 minutes
A. M., on the morrow.
And then,
On motion of Mr. Chas. F. Brown,
The House, at 2 o'clock and 45 minutes
P. M., adjourned,
Approved

Speaker.

Attest

Clerk.

Wednesday, March 19, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:—

Messrs. C. C. Berry, J. M. Berry, Neal Brown, Chas. F. Brown, Beasley, Bridenthal, Chaplin, Cobell, Cleveland, Coit, Copeland, Chandler, Chapman, Crowley, Cate, Davis, Dunn, Eagle, Fox, Funkhouser, Foster, Gilbreath, Garrett, Grimes, Hoover, Hawkins, Harris, Harley, Adam Johnson, J. M. Johnson, Joyner, Knigeler, Kent, Lee, Lyons, Latta, J. M. Murphy, Wm. Murphy, McLeod, Marshall, McGehee, Merritt, Miller, McVeigh, Matheny, Mitchell, Nunn, Page, Preston, Pindall, Parrish, Rawlins, Reid, Robertson, Robinson, Sieber, Shipley, Sharpnack, Spears, Stephenson, Shippen, Story, Sumpter, Stewart, Thorn, Thomason, Tilghman, Thornburg, Warwick, White, Wheat, Walker, Williams, Wright, The Speaker.

Prayer by the Chaplain.

The Journal of Tuesday was read and approved.

Under a suspension of the rules for that purpose.

Mr. J. M. Berry introduced a bill (No. R. 273) entitled An act to prohibit the county courts from abolishing any election township in any of the counties in this State.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules.

The bill was read a second time by title.

Mr. J. M. Berry moved that the rules be suspended and that the bill be read a third time and placed upon its passage.

Mr. Cortell moved that the bill be referred to the Committee on County and Probate Courts.

Which latter motion was agreed to.

Under a suspension of the rules for that purpose,

Mr. J. M. Johnson submitted the following motion:

Ordered that the following rule which if adopted shall be known and designated as rule 57, viz:-

No member shall be allowed to speak more than ten minutes on any question before the House except the originator or owner, who may speak twenty minutes, without leave of the House: and no member shall be allowed more than five minutes to explain his vote without the unanimous consent of the House,

Mr. Nunn moved that the motion be amended by striking out the word "ten" and inserting in lieu thereof the word "one", and, also, by striking out the word "twenty" and inserting in lieu thereof the word "five"

Which was not agreed to.

The question being on the original motion,

It was agreed to.

Under a suspension of the rules for that purpose,

Mr. Wheat introduced a bill (No. R 274) entitled An act to define the mode of contracting marriage in this state.

By unanimous consent.

Under a suspension of the rules.

The bill was read a first and second time by title and referred to the Committee on the Judiciary.

Under a suspension of the rules for that purpose,

Mr. Daniel introduced a bill (H. R. 275) entitled, An act for the relief of William H. Johnson of Sebastian county Arkansas.

By unanimous consent,

Under a suspension of the rules.

The bill was read a first and second time by title and refered to the Committee on Claims.

Under a suspension of the rules for that purpose,

Mr. Miller submitted the following motion, viz:-

I move the adoption of the following order of business, for the government of the House in the transaction of business.

Mondays shall be set apart for the introduction of bills, resolutions and reports of Committees.

Tuesdays shall be set apart for the consideration of House bills on their second and third reading.

Wednesdays shall be set apart for the consideration of Senate bills on their first second and third readings.

Thursdays shall be set apart for the consideration of House bills and miscellaneous business.

Fridays and Saturdays for reports of committees and unfinished business.

Pending the consideration of the motion,

The hour of 10 o'clock and 30 minutes P. M., having arrived, being the hour set, for the consideration of the reports here to fore sent to clerk's desk from the Committee on the Judiciary.

On motion of Mr. Cobell,

The consideration of the special order was postponed for 10 minutes,

The question, being on the adoption of the motion submitted by Mr. Miller,

Mr. Finbush moved that the motion lie on the table and be made special order for 10 o'clock and 30 minutes A. M., on the morrow.

Which was not agreed to,

The question again occurring on the adoption of the motion submitted by Mr. Miller,

Mr. J. M. Johnson moved the previous ques-

tion which was seconded, and under the operation thereof the motion was agreed to.

Under a suspension of the rules for that purpose,

Mr. Knapp then gave notice of the introduction of a bill to be entitled An act to give women the right to vote, and to have all the privileges that men now have.

Under a suspension of the rules for that purpose.

Mr. Reid gave notice of the introduction of a bill to be entitled An act to create forty-seven new counties and to "crap" all the old ones.

Under a suspension of the rules for that purpose.

Mr. White gave notice of the introduction of a bill to be entitled An act providing for the repeal of the act granting state bonds in aid of the construction of railroads.

Mr. Mitchell moved that the rules be suspended for the purpose of receiving reports from the Committee on Counties and County Lines.

Which was not agreed to (two-thirds of the members present not voting therefor)

Under a suspension of the rules for that purpose,

On motion of Mr. Sauber,

The House proceeded to the consideration of the bill of the Senate (S 109) entitled An act for the relief of Thomas H. Hanks,

Which was read a first time,

By unanimous consent

Under a suspension of the rules,

The bill was read a second time by title and referred to Committee of Ways and Means.

The hour of 10 o'clock and 40 minutes A. M., having arrived, being the hour to which the consideration of the special order set for 10 o'clock and 30 minutes A. M., was postponed.

Pending which,

Mr. Shepherd moved that the consideration of the special order be postponed until 12 o'clock M.

Which was not agreed to.

The House then proceeded to consider

the special order postponed to the atom hour, being the consideration of the reports here to fore sent to the clerk's desk, from the Committee on the Judiciary, as follows:-

On the bill of the House (H. R. 221) entitled An act for the incorporation of the Macedonia Male and Female College of the Arkansas and Louisiana district of the Methodist Episcopal church, recommending that the the bill be not passed.

On motion of Mr. Kent.

Ordered, That the bill lie on the table and be made special order for 10 o'clock and 30 minutes A. M. of Monday, March 24, 1873.

Also, on the bill of the House (H. R. 64) entitled An act to suppress lotteries and gaming unless licensed for that purpose, recommending that the bill be not passed.

On motion of Mr. Corbell

Ordered That the further consideration of the bill be indefinitely postponed.

Mr. C. E. Berry moved that the further consideration of the special order be postponed for 30 minutes.

Which was not agreed to.

A message from the Senate by Mr. Orrick their Secretary viz:-

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage of (House Bill No 40) entitled An act to create the county of Baxter and for other purposes and herewith returns the same, also (Senate Bill No. 64) entitled An act to compensate certain attys at law for certain legal services and herewith transmit the same for your favorable consideration.

I am also instructed to inform your honorable body, that the Senate have refused to concur in the passage of (H. B. No 137) entitled An act to provide for the administration of partnership estates and herewith returns the same.

The House resumed consideration of the reports from the Committee on the Judiciary.

as follows.

On the bill of the Senate (S.101) entitled An act relating to and authorizing certain proceedings of the board of trustees of the Arkansas Industrial University, recommending its passage.

And,

On motion of Mr. Kingston.

Ordered, That the bill be made special order for a third reading for 10 o'clock and 30 minutes A.M. of Friday March 25, 1873.

Also, on the bill of the House (H.R. 265) entitled An act to authorize incorporated gas companies to increase the amount of their capital stock &c. recommending its passage.

And,

On motion of Mr. Cate,

Ordered, That the bill be engrossed for a third reading and be made special order for 10 o'clock and 30 minutes A.M. of Wednesday, March 26, 1873.

Also, on the bill of the House (H.R. 237) entitled An act exempting household and kitchen furniture from taxation recommending a substitute therefor, entitled, An act to exempt the household and kitchen furniture and the wearing apparel of residents of this state and the wearing apparel of their families from taxation,

On motion of Mr. Kent,

The report of the committee was adopted, and the substitute was accordingly adopted in lieu of the original bill.

And,

On motion of Mr. Shepperson,

Ordered, That the substitute bill be engrossed for a third reading and be made special order for 11 o'clock and 30 minutes A.M. of Friday, March 21, 1873.

Also, on the bill of the House (H.R. 254) entitled An act to protect levies of this state from injury by wagons or other wheeled vehicles, recommending its passage.

And,

On motion of Mr. Pindall,

Ordered, That the bill be engrossed for a

third reading and be made special order for 11 o'clock and 30 minutes A.M. on the morrow.

Also, on the bill of the House (H.R. 193) entitled An act to incorporate the town of Alma in Crawford county, recommending that the bill be not passed

And,

On motion of Mr. White.

Ordered. That the bill lie on the table subject to the call of the House.

Also on the bill of the House (H.R. 190) entitled An act to incorporate the Marshall Masonic Male and Female Academy in Searcy county Arkansas. recommending that the bill be not passed.

And,

On motion of Mr. Sharpard.

Ordered. That the bill lie on the table subject to the call of the House.

Also on the bill of the House (H.R. 261 entitled An act designating the manner in which the homestead mulder section 4 article 12 of the constitution shall be reserved from sale on the death of the owner thereof for the widow and children of the deceased recommending a substitute therefor entitled An act designating the manner in which the Homestead under section four and five of article twelve of the constitution shall be reserved from sale on the death of the owner thereof for the widow and children of the deceased.

Mr. McCaleb moved that the report of the committee be adopted.

Pending the consideration of the motion,

A message from his Excellency the Governor by Mr. McBaumay his private secretary who by unanimous consent read the same as follows:-

Executive Department, Arkansas.
Little Rock, March 17th, 1873.
To the House of Representatives of Arkansas.
Gentlemen: I have signed and approved Memorial of the General Assembly to the Congress of the United States asking that provisions be made for the sale of the lands known as the

Hot Springs Reservation, also. House bill entitled An act to extend the time for the payment of taxes for the year 1872, also. A bill to be entitled An act to extend the time for the payment of amounts due the state from the securities on the bond of John Jones late sheriff and ex-officio collector of Boone county and for other purposes. also. House bill entitled "An act to provide for the payment of fees due Registers and Receivers of United State Land Offices for locating, posting, listing and certifying to the state lands granted thereto under the several acts of Congress, also. House bill entitled "An act to repeal sections six, seven, eight and nine, of an act to incorporate the trustees of Hillsboro' Male and Female Academy in Boone county and to permit the sale of spirituous liquors within three miles of the town of Hillsboro', approved January 10, 1861, also. House bill entitled An act to amend an act to permit the sale of spirituous liquors within two miles of Mountain Home Male and Female Academy in Marion county and Pine Creek Female Institute in Marion county, Arkansas, approved January 19, 1861. all of which are herewith returned.

Elisha Baxter,
Governor of Arkansas.

The question being on the motion that the report of the committee be adopted,

It was agreed to, and the substitute was accordingly adopted in lieu of the original bill.

And on

On motion of Mr. McVeigh,

Ordered, That one hundred and fifty copies be printed for the use of the House and that the substitute bill be engrossed for a third reading and made special order for 10 o'clock and 30 minutes A.M., of Friday, March 21, 1873.

Also on the joint resolution of the House (H. J. Res. 20) entitled "Proposed amendment to the constitution which if adopted shall be substituted for and known as section 3. article 7, "recommending that the joint resolution be amended (as follows:-

Wherever the word "and" figure "four" occurs strike them out and insert in lieu thereof the word and figure "eight."

On motion of Mr. Reid,

The report of the committee was adopted and the amendments were accordingly agreed to.

Ord.

On motion of Mr. Rick.

Ordered That the public notice thereof be given for a third reading and be made special order for 11 o'clock and 30 minutes A. M., of Tuesday, March 25, 1873.

Also, on the bill of the House (H. R. 166) entitled An act to establish Prairie Home Seminary in Pope county, Arkansas, and for other purposes, recommending that the bill be not passed.

Ord.

On motion of Mr. J. H. Berry

Ordered, that the bill be rejected.

Also, on the substitute for the bill of the House (Sub. H. R. 99) entitled, An act to regulate license and provide against evils resulting from the sale of intoxicating liquors in this state, recommending that the bill be amended as follows:-

At the conclusion of section II add "Provided, the vendor of intoxicating liquors in less quantities than a gallon shall be deemed a retail dealer" also, at the conclusion of section 5 - add, Provided that when retail dealers in liquor shall have fully complied with the provisions of the preceding sections of this act they shall have the same protection under the law granted to all other branches of legally authorized business to secure themselves against annoy and injury and to sue in any court of competent jurisdiction for the collection of any debt contracted with such dealer in the regular course of business.

Mr. Randall, from the same committee,

submitted a minority report thereon, recommending a substitute therefor, entitled An act to regulate the sale of spirituous and vinous liquors.

On motion of Mr. Kent,

The minority repat of the committee was adopted, and the substitute recommended by the report was accordingly adopted in lieu of the first substitute bill.

On motion of Mr. McGehee

The bill was amended by adding to section 4 the following proviso, viz:-

Provided, That no vintage or wine produced shall be required to pay any tax or license to any county of this state for license to sell wine produced by himself.

Mr. Fox moved that the bill be ordered engrossed and be made special order for 11 o'clock A.M., of Monday, March 24, 1873.

Mr. Chaplin moved that the bill be further amended so as to make it a penitentiary offence for any member of this House to buy or drink any spirituous liquors.

Mr. Miller moved the previous question which was seconded and under the operation thereof the motion was disagreed to.

The question recurring on the motion that the bill be ordered engrossed and be made special order for 11 o'clock A.M. of Monday, March 24, 1873.

Mr. J. M. Johnson moved the previous question which was seconded, and under the operation thereof the motion was disagreed to.

Also, on the bill of the House (H.R. 186) entitled An act to incorporate the Gaston Manufacturing company, and to authorize Dan Burns county to build and operate a cotton and wool manufactory, recommended that the bill be not passed.

And,

On motion of Mr. Pate,

Ordered, that the bill lie on the table.

Also, on the bill of the House (H.R. 195) entitled An act to extend the corporate limits

of the town of Fayetteville, in this state recommending that the bill be not passed.

On motion of Mr. Cate.

Ordered, That the bill lie on the table,

Also, on the bill of the House (H. R. 53) entitled An act providing for the compensation of witnesses in the circuit courts, and before the grand jury, recommending that the bill be not passed,

On motion of Mr. Latta.

Ordered, That the bill be rejected.

Also, on the bill of the House (H. R. 269) entitled An act to provide for the further prosecution of the geological and mineralogical surveys of the state of Arkansas, recommending that the bill be not passed.

Mr. Latta moved that the bill be rejected.

Mr. Cobbell moved as a substitute that the bill lie on the table subject to the call of the House,

Which latter motion was agreed to.

Also, on the bill of the House (H. R. 258) entitled An act to abolish capital punishment in the state of Arkansas, recommending that the bill be not passed.

Mr. Latta moved that the bill be rejected.

Mr. Kent moved as a substitute that the bill lie on the table subject to the call of the House.

Which latter motion was agreed to.

Under a suspension of the rules for that purpose,

Mr. Mitchell, from the Committee on Counties and County Lines, to whom was referred the bill of the House (H. R. 201) entitled An act to change the boundary line between the county of Poinsett and the counties of Craighead and Cross, reported the same with the recommendation that the bill be not passed,

Mr. Fox moved that the bill be recommitted to the Committee on Counties and County Lines for the purpose of amendment,

Which was not agreed to,

After debate,

Mr. Cate moved that the bill be rejected and asked for the year and nays.

The question being put,

It was decided in the affirmative, — years 56, nays 4,

The year and nays being demanded by five members,

Those who voted in the affirmative are:—

Messrs.

Berry, J. M.
Bynum, Neal
Brown, Chas. A.
Cobell,
Cleveland,
Copeland,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham,
Eagle,
Fishback,
Gist,
Garrett,
Greenwood,
Hankins - Means
Harris,
Hailey,
Joslyn,
Johnson, Adjutant
Johnson, J. M.
Kingston,
Lynn,
Latta,
Murphy, J. M.
Murphy, Wm.
McLeod,
Marshall,
Merritt,
Miller,
Matheny,
Mitchell,
Brown,
Page,
Payton,
Randall,
Rankins,
Reid,
Robertson,
Sabin,
Shipley,
Shepherd,
Sumpter,
Stuart,
Thorn,
Thurman,
Tillar,
Thornberry,
Warwick,
White,
Wheat,
Walker
Williams,
Wright,
The Speaker,

Those who voted in the negative are:—

Messrs.

Fox,
Joyner,
Lee,
Robinson.

So the bill was rejected,

Also, from the same committee, to whom was

referred the bill of the House, (H. R. 236) entitled An act to create the county of Howard, reported the same; and recommended its passage.

Mr. Shepperson, from the same committee, submitted the following minority report thereon, viz:-

Mr. Speaker: The undersigned being a minority of the Committee on Counties and County Lines, under the consideration of House bill 236, which bill provides for the creation of the new county of Howard, beg leave to make the following report.

First, The said bill provides the taking off a portion of the territory from the counties of Hempstead Pike and Sevier.

Second, I find that a large number of the citizens living within the above named counties remonstrate against the creation of any such county.

Third, Therefore the minority of your committee recommend that the said bill do not pass.

S. Shepperson.

On motion of Mr. Kingston,

Ordered, That the reports lie on the table and be made special order for 10 o'clock and 30 minutes A. M., of Monday, March 24, 1873.

Also, from the same committee, to whom was referred the bill of the House (H. R. 255) entitled An act to define the boundary lines between the counties of Clark and Pike reported the same and recommended its passage.

On motion of Mr. A. M. Hawkins,

Ordered, That the bill last reported lie on the table and be made special order for 11 o'clock A. M., of Tuesday, March 25, 1873.

Also, from the same committee to whom was referred the bill of the House (H. R. 243) entitled An act to establish the lines between Searcy and Van Buren counties, reported the same and recommended its passage.

Also, from the same committee to whom was referred the bill of the House (H. R. 239) entitled An act to establish and organize the

county of Dorsey, and for other purposes, reported the same and recommended its passage.

Mr. Hodgkins moved that the bill be ordered engrossed and be made special order for 11 o'clock A.M. of Friday, March 21, 1873.

Mr. Harley moved as a substitute that the further consideration of the bill be postponed and be made special order for 11 o'clock A.M., of Tuesday, March 25, 1873.

Which latter motion was agreed to.

Also, from the same committee to whom was referred the bill of the House (H.R. 174) entitled An act to define and establish the boundary line between the counties of Prairie and White, reported the same and recommended its passage.

Mr. Ennis moved that the bill be ordered engrossed for a third reading and be made special order for 11 o'clock A.M. of Friday, March 21, 1873.

Mr. Gist moved as a substitute that the bill lie on the table and be made special order for 11 o'clock A.M., of Friday, March 21, 1873.

Which latter motion was agreed to.

Mr. Kent moved that the Committee of Ways and Means be instructed to report on the morrow the bill of the House (H.R. 118) entitled An act to establish an institute to be known and called the Arkansas Lunatic Asylum.

The House resumed the order of unfinished business.

On motion of Mr. Fox,

The House proceeded to consider the substitute for the bill of the House (Sub. H.R. 149) entitled An act to provide for the leasing and future management of the state penitentiary.

Which was read a second time.

Pending the reading of the bill,

On motion of Mr. Humphries,

The further reading of the bill was dispensed with, and

Mr. Humphries introduced a bill as a substitute therefor (H.R. 276) entitled An act to provide for the leasing and manage-

ment of the State Penitentiary.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title.

Mr. Fox moved that the bill be adopted in lieu of the substitute bill.

After debate,

Mr. Fox moved the previous question, which was seconded, and under the operation thereof the bill was adopted in lieu of the substitute bill.

And,

On motion of Mr. Warrick

Ordered, That one hundred and fifty copies be printed for the use of the House and that the bill be made special order, in the Committee of the Whole House for 11 o'clock and 30 minutes A. M. of Friday, March 21, 1873.

Mr. Forbes, at 10 o'clock and 36 minutes P. M., moved that the House take a recess until 3 o'clock P. M.,

Mr. Chaplin moved that the House take a recess until 7 o'clock and 30 minutes P. M.,

Mr. L. M. Johnson moved that the House adjourn.

Which was not agreed to.

The question recurring on the motion that the House take a recess until 7 o'clock P. M.,

It was not agreed to.

The question then recurring on the motion that the House take a recess until 3 o'clock P. M.,

It was not agreed to.

On motion of Mr. Hollen,

The House proceeded to consider the bill of the House (H. R. 238) entitled An act to protect tax-payers in their right,

Which was read a third time,

And,

On motion of Mr. Hollen,

Ordered, That the bill be placed upon its passage.

The question being put. Shall the bill pass?
It was decided in the affirmative,—yeas 57, nays 10, not voting 15.
Those who voted in the affirmative are:-

Messrs.

Berry. C. E.
Bexandeley,
Bowen. Neal
Bowen. Chas. E.
Beasley.
Bridenthal.
Chapline.
Corbell.
Cleveland.
Copeland.
Chandler,
Cate.
Ennis.
Eagle.
Fox.
Faubush.
Foster,
Gilbreath.
Gozett,
Grimm.
Hankins. O. S.
Hankins. Homer
Harris.
Hanley.
Jozlyn.
Johnson. Adam
Johnson. J. C.
Joynes,
Kingdon,

Messrs.

Kent.
Lynn.
Latta.
Murphy. Wm.
McCloud.
Marshall,
McGehee.
Merritt.
Mulley.
Maloney,
Mitchell.
Preston.
Parrish.
Rawlins.
Reid.
Robertson,
Robinson.
Shapland.
Spears.
Stephenson.
Strong.
Sunderlin.
Stewart.
Turner.
Thorn,
Thornburg.
Wheat.
Williams.
The Speaker.

Those who voted in the negative are:-

Messrs.

Berry. J. A.
Lee.
Pindall,
Shrigley.
Stephenson,

Messrs.

Thornton.
Warwick.
White,
Walker,
Wright.

Those absent or not voting are:-

Messrs.
Bell,
Chapman,
Crosby,
Cunningham,
Dane,
Gist,
Hankins, J. M.
So the bill was passed.
On motion of Mr. Furbush.
The House proceeded to consider the bill of the House (H.R. 226) entitled An act to create the county of Coolidge and for other purposes.
Which was read a second time.
Mr. Kent moved that the bill be amended by striking out that portion of sections 3 and 4 providing for the appointment of commissioners and other officers of the proposed county and inserting in lieu thereof a provision for the election of such officers
After discussion.
Mr. Miller asked for the yeas and nays.
The question being put.
It was decided in the affirmative. — yeas 46. nays 19.
The yeas and nays being desired by five members.
Those who voted in the affirmative are:-
Messrs.
Berry, C. E.
Berry, J. M.
Beasley,
Brideuthal
Chaplin,
Corbett,
Copeland,
Chandler,
Cate,
Cunningham,
Emrich,
Eagle,
Furbush,

Messrs.
Hall,
Humphrey, J. M.
Humphrey, J. McNeely
Hunt,
Paye,
Skuben,
Tillar.

Messrs.
Humphrey, J. M.
Miller,
Mowbray,
Mitchell,
Nason,
Preston,
Riddell,
Parrish,
Reid,
Robinson,
Sheppard,
Shepherson,
Strong,

Messrs.
Epler,
Gilbreath,
Green,
Harkins,
Harley,
Johnson, J. H.,
Joyner,
Langston,
Lott,

Messrs.
Sampson,
Stewart,
Brown,
Thomas,
Warnock,
White,
Walker,
Williams,
Wright,
The Speaker.

Those who voted in the negative are:-

Messrs.
Brown, Neal
Brown, Chas. F.
Cleveland,
Cox,
Hankins, A. M.
Hankins, O. S.
Harris,
Jordan,
Johnson, Adams
Murphy, Wm.

Messrs.
McLeod,
Marshall,
McKenzie,
Merritt,
Rankins,
Shingley,
Spears,
Stephenson,
Wheat,

So the amendment was agreed to;-

Mr. Chaplain at 2 o'clock and 52 minutes P. M., moved that the House adjourn.

Which was not agreed to.

The House resumed the consideration of the bill of the House (H. R. 226) entitled an act to create the county of Coolidge and for other purposes.

Mr. Copeland moved that the bill be rejected;

After debate,

Mr. Thomas moved the previous question which was seconded, and under the operation thereof the motion was disagreed to.

Mr. Purnell moved that the bill be ordered engrossed for a third reading and be made special order for 11 o'clock A. M., of Thursday, March 20, 1873.

Mr. Stewart moved that the further consideration of the bill be indefinitely postponed.

Mr. Williams asked for the yeas and nays.
The question being put,
It was decided in the negative.—Yeas 22, nays 39.
The yeas and nays being desired by fifth
members,
Those who voted in the affirmative are:—

Messrs.

Berry, C. E.
Cobbell,
Copeland,
Crowley,
Cate,
Grissom,
Hawkins, A. M.,
Hawkins, C. S.
Harley,
Johnson, J. M.
Kent,

Messrs.

Millen,
Pindall,
Shipley,
Shipp and,
Spears,
Stephenson,
Storey,
Stewart,
White,
Williams,
The Speaker

Those who voted in the negative are:—

Messrs.

Berry, J. M.
Brown, Neal
Byron, Chas. F.
Bearley,
Bridenthal,
Chandler,
Cunningham
Eagle,
Fox,
Funkhouser,
Gorter,
Gilbreath,
Gorrell,
Hawkins, Monroe
Harris,
Joslyn,
Johnson, Adam
Latta
Murphy, Wm.
McLeod,

Messrs.

Marshall,
McGehee,
Merritt,
McVeigh,
Matheny,
Mitchell,
Preston,
Parrish,
Rawlins,
Reid,
Robinson,
Shepperson,
Simpkins,
Turner,
Thorn,
Thyman,
Wheat,
Walker,
Wright,

So the House refused to indefinitely postpone the bill.

The question then occurring on the motion that the bill be ordered engrossed for a third reading and be made special order for 11 o'clock A. M. on Thursday, March 20, 1873.

Mr. Burtuch moved the previous question, which was seconded and under the operation thereof the motion was agreed to,

And then,

On motion of Mr. C. E. Berry,

The House, at 3 o'clock and 6 minutes P. M., adjourned

Approved

Speaker.

Attest

Clerk.

Thursday, March 20, 1873.

The roll being called it appeared the following named members were present and answered to their names, viz:-

Messrs. C. E. Berry, J. H. Berry, Neal Brown, Chas. F. Brown, Beasley, Breidenthal, Chapline, Cobell, Cleveland, Copeland, Chandler, Chapman, Conley, Cate, Cunningham, Dare, Ennis, Eagle, Fox, Furtuch, Gilbreath, Jarrett, Ingram, A. M. Hawkins, O. S. Hawkins, Messrs Hankins, Hays, Harley, Irby, Adam Johnson, J. H. Johnson, Joyner, Kingston, Kent, Lee, Lynn, Latta, J. M. Murphy, Wm. Murphy, McLeod, Marshall, McLeskey, Merritt, Millen, Mattocks, Mitchell, Pegg, Prestige, Pendell, Rankins, Reid, Robertson, Robinson, Sasser, Shipley, Sharpe, Speas, Stedman, Shepherson, Stacy, Sampson, Stewart, Turner, Thomas, Thomason, Dillon, Thornburg, White, Wheat, Walker, Williams, Wright, The Speaker.

Prayer by the Chaplain.

The journal of Wednesday was read and approved,

Mr. Marshall moved that the rules,

be suspended and that he be allowed to submit a resolution.

Which was not agreed to, (two-thirds of the members present not voting therefor).

Mr. Chaplin moved that the rules be suspended and that he be allowed to introduce a bill.

Which was not agreed to (two-thirds of the members present not voting therefor).

Mr. Page moved the rules be suspended and that he be allowed to submit a motion.

Which was not agreed to (two-thirds of the members present not voting therefor).

The House proceeded to consider the order of unfinished business to consider the bill of the House (No. R. 116) entitled An act to prevent frauds against the revenue of this state, and for other purposes.

Which was read a second time.

And,

On motion of Mr. Cate,

Ordered, That the bill be engrossed for a third reading and be made special order for 12 o'clock M. of Tuesday, March 25, 1873.

Mr. Sheppard moved that the rules be suspended for the purpose of receiving reports from the Committee on the Judiciary.

Which was not agreed to (two-thirds of the members present not voting therefor).

Under a suspension of the rules for that purpose,

Mr. Lee introduced a joint resolution (No. H. Res 22) a joint resolution providing for the adjournment of the General Assembly sine die, March 31, 1873.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The joint resolution was read a second time and

On motion of Mr. Kent,

Ordered, That the joint resolution lie on

the table and be made special order for 10 o'clock and 30 minutes A. M., on the morrow.

Mr. Thurman, under the rules, submitted a memorial, (H. Mem. 9) a memorial to the Congress of the United States to restore the right or compensate citizens of the state of Arkansas for lands of the state surveyed and marked off as a portion of the Indian Territory

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The memorial was read a second time by title, and

On motion of Mr. Thurman,

Ordered, That the memorial be engrossed for a third reading and be made special order for 10 o'clock and 30 minutes A.M., of Tuesday, March 25, 1873.

Mr. Chapline, under the rule, submitted the following preamble and motion, viz:-

Whereas, E. D. D. Steele, Judge of the Eighth judicial circuit of the state of Arkansas, on the 13th of February, 1873, issued a restraining order against one Richard Sammels and one Thomas M. Higgs, of the county of Hempstead, commanding said Sammels and said Higgs not to attempt to exercise the duties of clerk or deputy sheriff of said county; and,

Whereas the said county of Hempstead is not in the Eighth judicial circuit of which said Steele is judge, but in the Sixth judicial circuit, of which Hon. S. W. McClung is judge; and,

Whereas; the said McClung, judge of the Sixth judicial circuit, in which said county of Hempstead is situated, dissolved the pretended restraining order granted by the said Steele, against the said Sammels, and Higgs; and

Whereas, the said Sammels and Higgs were, by the order of Hon. John McClure, Chief Justice of Arkansas, inducted into the offices of clerk and deputy sheriff of said county of Hempstead; and

Whereas, J. G. D. Steele, as judge of the Eighth judicial circuit, without warrant or authority of law, and beyond the scope of his judicial power, on the tenth day of March, 1873, issued an attachment for the bodies of said Samuels and Higgs, which has been executed, commanding that they be arrested and committed to jail in default of giving bond in the sum of $5000 each, before the Hempstead circuit court, and anon for contempt of his said order; and

Whereas, Said Steele, as judge of the Eighth judicial circuit of said state, has no authority to issue an injunction directed to persons living outside of said circuit; and

Whereas, He has no authority to direct the arrest and imprisonment of said Samuels and Higgs, in the manner in which he has; therefore,

Be it resolved by the House of Representatives, that the judiciary committee be instructed, and is hereby clothed with power to send for persons and papers, and if the allegations herein contained be found to be true, that said committee report articles of impeachment to this body against the said J. G. D. Steele, judge of the Eighth judicial circuit, for the acts aforesaid.

On motion of Mr. Kent,

The motion was amended by adding the following words:—

That if the judiciary committee find that the said J. G. D. Steele has wilfully and corruptly violated law in such a manner as to authorize his impeachment they shall report to this House articles of impeachment as soon as possible.

The motion as amended was then agreed to.

The House proceeded under the order of unfinished business to consider the bill of the House (H. R. 228) entitled An act to amend an act giving all laborers a lien upon the production of their labor until the same

is paid, approved July 23. 1868.

Which was read a third time,

Mr. Kent moved that the bill be recommitted to the Committee on the Judiciary for the purpose of amendment.

Mr. Corbell moved that the further consideration of the bill be indefinitely postponed.

Mr. Kent asked for the year and nays.

The question being put

It was decided in the affirmative, — yeas 45. nays 19.

The year and nays being desired by five members,

Those who voted in the affirmative are:-

Messrs,

Berry, J. H.,
Brinn, Chas. F.
Beasley,
Breidenthal,
Corbell,
Cleveland,
Copeland,
Chandler,
Chapman,
Crowley
Cate,
Cunningham
Ezzard,
Eagle,
Flint,
Foster,
Gist,
Gilbreath,
Gorrell,
Hawkins, Thomas
Hanley,
Joyner,
Kent,

Messrs.

Lynn,
Latta,
McGehee,
Merritt,
Matheny,
Preston,
Pindall,
Reid,
Robertson
Shipley,
Shobe,
Stephenson,
Shepperson,
Spring,
Sumpter,
Turner,
Thompson,
Tillar,
Thornburg,
White,
Walker,
Wright,

Those who voted in the negative are:-

Messrs,

Brown, Scal
Chaplin,

Messrs.

McLeod,
Marshall,

Messrs.

Grissom,
Hayes,
Johnson, Adam
Johnson, J. M.
Kingston,
Lee,
Murphy, J. M.
Murphy, Wm.

Messrs.

Millen,
Rawlins,
Robinson,
Shapard,
Stewart,
Williams,
The Speaker.

So the further consideration of the bill was indefinitely postponed.

The House proceeded to consider the bill of the House (H. R. 227) entitled An act defining the terms and regulating the duties of guardians, curators and tutors.

Which was read a third time.

Pending the reading of the bill,

Mr. Neal Berry moved that the further consideration of the bill be indefinitely postponed,

Which was not agreed to,

Mr. Neal Berry moved that the bill be recommitted to the Committee on County and Parish Courts,

Which was not agreed to.

Then,

On motion of Mr. Latta,

Ordered That the bill be placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative, — yeas 56, nays 8, not voting 18,

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Berry, J. H.
Brown, Chas. C.
Bryan,
Bridenthal,
Chapline,
Cobell,
Cleveland,
Copeland,
Latta,
Murphy, J. M.
Murphy, Wm.
McLeod,
Marshall,
McGehee,
Merritt,
Millen,
Matthews,

Messrs.

Chandler,
Chapman,
Conley,
Cate,
Eagle,
Fox,
Foster,
Gist,
Gilbreath,
Gossett,
Grissom,
Hawkins, O. S.
Hankins, Mamie
Harley,
Johnson, Adams
Joyner,
Kingston,
Kent,
Lynn,

Those who voted in the negative are:-

Messrs.

Bynum, Neal
Cunningham,
Harris,
Joslyn,

Those absent or not voting are:-

Messrs.

Beardsley,
Bost,
Davis,
Ennis,
Fountain,
Hankins, A. M.
Hyndman,
Lee,
McVeigh,

Messrs.

Preston,
Pridgen,
Reid,
Robertson,
Shepard,
Spears,
Stephenson,
Sheppersons,
Strong,
Sumpter,
Stewart,
Turner,
Thurman,
Tillery,
White,
Wheat,
Walker,
Williams,
Wright,

Messrs.

Johnson, J. H.
Rankins,
Robinson,
Shipley,

Messrs.

Mitchell,
Nunn,
Page,
Parish,
Thomas,
Barber,
Thornburg,
Yarnwick,
The Speaker.

So the bill was passed.

On motion of Mr. Fountain,

The House proceeded to consider the bill of the House (H. B. 226) entitled An act to create the county of Doolidge and

for other purposes.

Mr. Fox moved that the further consideration of the bill be postponed until Saturday, March 29, 1873.

Which was not agreed to.

The bill was then read a third time.

Mr. Stewart moved that the further consideration of the bill be postponed until Tuesday, March 25, 1873.

Mr. Millen asked for the yeas and nays.

The question being put,

It was decided in the negative.—yeas 33, nays 40.

The yeas and nays being desired by five members,

Those who voted in the affirmative are:—

Messrs.

Berry, G. E.
Bissell,
Copeland,
Cate,
Cunningham,
Davis,
Emmi,
Fox,
Garrett,
Gibson,
Hawkins, A. M.
Hawkins, O. S.
Hanley,
Johnson, J. M.
Joyner,
Knowlton,
Kent,

Those who voted in the negative are:—

Messrs.

Millen,
Nunn,
Page,
Pindall,
Robertson,
Sayler,
Shrigley,
Shappard,
Spears,
Stephenson,
Shepherd,
Sperry,
Stewart,
White,
Williams,
The Speaker.

Those who voted in the negative are:—

Messrs.

Berry, J. M.
Bynum, Joel
Bynum, Thos. F.
Bayley,
Bridenthal,
Lee,
Lynn,
Latta,
Murphy, J. M.
Memphy, Wm.

Messrs.

Chapline,
Cleveland,
Chandler,
Chapman,
Crowley,
Eagle,
Flenbaugh,
Fenton,
Gist,
Gilbreath,
Hawkins, Mercer
Harris,
Irelyn,
Johnson, Adams,
McLeod,

Messrs.

Marshall
McGehee,
Merritt,
Matheny,
Pierce,
Rawlins,
Reid,
Robinson,
Sumpter,
Thorne,
Thurman,
Thornburg,
Wheat,
Walker
Wright,

So the House refused to postpone the bill until Tuesday, March 25, 1873.

Before the vote was announced,
On motion of Mr. Ervin.
Ordered That the vote be retaken,
The roll being again called:
Pending Which,
The hour of 12 o'clock M., having arrived, being the hour set for the consideration of the bill of the House (H. R. 254) entitled An act to protect lives of this state from injury by wagons or other wheeled vehicles.

Mr. Fenbush moved that the consideration be postponed for 30 minutes.

Mr. McAllen made the point of order That pending the vote the motion was not in order.

The Speaker (Mr. Sarber in the chair) ruled the point of order well taken.

The vote was then announced as above,

The House proceeded to consider the special order set for 12 o'clock M., being the consideration of the bill of the House (H. R. 254) entitled An act to protect lives of this state from injury by wagons and

other wheeled vehicles.

Hon. Kingston moved that the consideration of the special order be postponed for 10 minutes.

Hon. Mowat asked for the yeas and nays.

The question being put,

It was decided in the affirmative, — yeas 53, nays 10.

The yeas and nays being desired by five members,

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Berry, J. H.
Brown, Neal
Brown, Chas. F.
Bigsley,
Bowenthal,
Chapleau,
Cleveland,
Copeland,
Chandler,
Chapman,
Crowley,
Cote,
Cunningham,
Ennis,
Eagle,
Finbarb,
Foster,
Gest
Gillmath
Hawkins, O. S.
Harris,
Harley,
Jarvis,
Johnson, Adam
Johnson, J. A.
Joyner,

Those who voted in the negative are:-

Messrs.

Bethell

Messrs.

Kingston,
Lee,
Lynn,
Latta,
Murphy, Jno
McLeod,
Marshall,
McInnes,
Merritt,
Mathieu,
Preston,
Reid,
Robertson,
Robinson,
Sayles,
Spears,
Stephenson,
Shepherson,
Stymy
Sinclair,
Symon,
Symmes,
Wheat,
Walker,
Wright,
The Speaker.

Messrs.

Meiklen.

Messrs.

Fox,
Gorrett,
Guiseun,
Kent,

Messrs.

Shrigley,
Sleigcut,
White,
Williams.

So the consideration of the special order was postponed for 10 minutes.

The House resumed consideration of the bill of the House (H. R. 226) entitled an act to create the county of Coolidge, and for other purposes.

After discussion,

The hour of 12 o'clock and 10 minutes A. M., having arrived being the hour to which the special order set for 12 o'clock M., was postponed.

On motion of Mr. J. H. Johnson,

The consideration of the special order was postponed for 30 minutes.

The House resumed consideration of the bill of the House (H. R. 226) entitled an act to create the county of Coolidge and for other purposes.

Mr. Moulton moved that the further consideration of the bill be postponed until Wednesday, March 26th 1873, and asked for the year and nays.

The question being put,

It was decided in the negative.—yeas 22, nays 36,

The year and nays being demanded by five members,

Those who voted in the affirmative are:-

Messrs

Berry, L. E.
Offutt,
Bird,
Dane,
Emmi,
Fox,
Gorrett,
Freeman,
Hamblin, O. S.
Hinkley,
Johnson, J. H.

Messrs.

Joyce,
Kingston,
Kent,
Moulton,
Sheppard,
Shepherd,
Story,
Stewart,
White,
Williams,
The Speaker,

Those who voted in the negative are:-

Messrs.

Berry. J. H.
Bynum. Neal
Bynum. Chas. F.
Brydenthal.
Chipman.
Chapman.
Conley.
Cunningham.
Eagle.
Faubush.
Foster.
Gist.
Hankins. Mann
Harris.
Irkyn.
Johnson. Adam.
Lynn.
Murphy. Wm.

So the House refused to postpone the further consideration of the bill until Wednesday, March 26, 1873.

Mr. Sumpter moved that the bill lie on the table and be made special order for 11 o'clock A. M. of Saturday, March 22, 1873.

Mr. Skillen asked for the yeas and nays.

The question being put,

It was decided in the affirmative:- yeas 37, nays 15.

The yeas and nays being desired by five members,

Those who voted in the affirmative are:-

Messrs.

Berry. C. E.
Berry. J. H.
Bynum. Chas. F.
Brydenthal,
Chipman,
Chapman,
Cate,
Dane.
Eagle,

Messrs.

McCord.
Marshall.
McClychee.
Merritt.
Mearkey,
Paxton.
Pindall.
Rankins.
Reid.
Robinson.
Sumpter.
Shunn,
Sypniewski.
Shumway
Wheat.
Walker.
Wright.

Messrs.

Merritt,
Skillen,
Markey,
Paxton,
Pindall,
Robinson,
Shepperson,
Shinn,
Sumpter.

Messrs.
Fox,
Frankenberg,
Foster,
Gist,
Garrett,
Hanley,
Kidgston,
Keit
Latta,
Murphy, Mac.

Messrs.
Stewart,
Sypher,
Thomas,
White,
Wheat,
Walker,
Williams,
Wright,
The Speaker.

There who voted in the negative are:-

Messrs.
Brum, Steel
Chapman,
Errin,
Eyeman,
Hawkins, Illinois
Davis,
Foster,
Johnson, Adam
Johnson, Pa.

Messrs.
McCord
Marshall,
Mellichen,
Rapliers,
Reid,
Thomas,

So the motion was agreed to.

And then,

On motion of Mr. Frankenberg,

The House at 10 o'clock and 39 minutes P.M., adjourned.

Approved

Speaker.

Attest

Clerk,

Friday, March 21, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. C. C. Berry, J. M. Berry, Neal Brum, Chas. F. Brum, Beardsley, Bidenthal, Chapman, Corbell, Cleveland, Coit, Copeland, Chandler, Sherman, Beverly, Crate, Cunningham, Ervin, Eagle, Fox, Forsyth, Foster, Gist, Gilbreath, Garrett, A. C. G. Harkins, C. S. Hawkins, Davis, Hanley, Chas. Johnson, J. M. Johnson, Layman,

Kingston, Kent, Lee, Lynn, Mm. Murphy, Mac-
Leod, McGehee, McClellan, McVeigh, McAtheny, Mann
Page, Preston, Randall, Runyon, Reid, Robertson,
Robinson, Sirber, Stanley, Spears, Stephenson
Shepperson, Strong, Sumpter, Stewart, Thom-
azon, Thornbury, White, Walker, Williams, Wright
The Speaker.

Prayer by the Chaplain.

The Journal of Thursday was read and ap-
proved.

On motion of Mr. Beasley.

The House proceeded, under the order of unfinish-
ed business, to consider the bill of the House (H. R. 84
entitled An act to provide the mode of holding all
general and special elections, registration of electors,
secure the purity of the ballot, and to repeal an act en-
titled An act to provide for the election of all executive
and judicial officers, members of the General
Assembly, representatives of the State in the Congress
of the United States, and Presidential electors, approved
July 23, 1868, also to repeal an act to provide for a
registration of the legal votes in the state of Kan-
sas. Approved, July 15, 1868,

Which was read a third time,

Pending the reading of the bill.

A message from the Senate by Mr. Orick,
their secretary, viz:-

Mr. Speaker: I am instructed by the Senate
to inform your honorable body of the passage by the
Senate of (S. B. No 35) entitled An act regulating
the practice of medecine and surgery in the state,
also (S. B. No 116) entitled an act to be entitled an
act to repeal a bill entitled an act for the en-
couragement of domestic industry and herewith
transmit the same for your favorable consideration.

Mr. Kent moved that the bill be recommit-
ted to the Committee on Registration for the purpose
of an amendment,

Mr. McGehee asked for the yeas and nays,

The question being put,

It was decided in the negative, - yeas 26,
nays 47.

The yeas and nays being desired by five members.
Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Brown, Neal;
Chapin.
Coit.
Copeland.
Fox;
Grissom.
Hankins. A. M.
Hankins. O. S.
Hankins. Mercer
Johnson. Adam
Johnson. L. M.
Kingston,

Messrs.

Kent,
McLeod.
Munn,
Rawlins.
Robinson,
Sarber,
Shipley.
Shipstead,
Spears.
Stewart.
Turner,
Williams.
The Speaker.

Those who voted in the negative are:-

Messrs.

Berry, L. M.
Brown, Chas. F.
Bentley,
Brinkley
Burrell.
Chartland,
Chandler,
Chapman.
Crowley.
Cates.
Cunningham,
Davis.
Dixon,
Eagle,
Fitzpatrick.
East.
Gilbreath.
Garrett,
Green,
Hanley,
Hagen,
Lee,
Lewis.
Little.

Messrs.

Murphy, L. M.
Murphy, Wm.
McGehee,
Merritt.
McMillen,
McVeigh,
Maloney,
Nagel,
Pindall,
Reid.
Robertson,
Stephenson,
Strickland,
Sharp,
Swaysten,
Thomas,
Thurman,
Tillar,
Tramble,
Tramwell,
White.
Walker,
Wright,

So the motion was not agreed to.

Pending the further reading of the bill,

The hour of 11 o'clock A. M., having arrived being the hour set for the consideration of the bill of the House (H. R. 211) entitled An act for the more efficient administration of the criminal laws of this state; the apprehension and arrest of criminals and the establishment of a metropolitan police district of the state of Arkansas, and for the government of the same.

Mr. Latta moved that the consideration of the special order be postponed until 12 o'clock M.,

Mr. Kingston asked for the yeas and nays.

The question being put,

It was decided in the affirmative, yeas 45; nays 28.

The yeas and nays being desired by five members.

Those who voted in the affirmative are:-

Messrs.	Messrs.
Berry, J. M.	Lynn,
Brown, Neal	Latta,
Brown, Chas. F.	Murphy, Wm
Beasley,	McGehee,
Bridenthal,	Merritt,
Corbell,	McKnight,
Cleveland	Mashburn,
Chandler,	Pindall,
Chapman,	Parrish,
Conley,	Rankin,
Cate,	Reid,
Cunningham,	Robertson,
Ezzell,	Story,
Eagle,	Sumpter,
Fairbank,	Thomas,
Foster,	Thurman,
Gist,	Tilbur,
Gilbreath,	Thompson,
Jarrett,	Warnick,
Harris	White,
Hanley,	Walker,
Jeffries	Wright,

Those who voted in the negative are:-

Messrs.

Berry, C. E.
Chaplin.
Cist,
Copeland,
Fiske,
Grissom,
Hankins, A. M.
Hankins, O. S.
Hankins, Mann
Jordan,
Johnson, Adam
Johnson, J. H.
Kingston,
Kent,

Messrs.

McLeod,
McMillen,
Nunn,
Page,
Robinson,
Sartin,
Shipley,
Shipland,
Spears,
Stephenson,
Stewart,
Turner,
Williams,
The Speaker.

So the consideration of the special order was postponed until 12 o'clock M.,

And,

On motion of Mr. Latta,

The consideration of the further special order set for the same hour was postponed until 10 o'clock P.M.

The House resumed consideration of the bill of the House (H. R. 34) entitled An act to provide the mode of holding all general and special elections, registration of electors, preserve the purity of the ballot, and to repeal an act entitled an act to provide for the election of all executive and judicial officers, members of the General Assembly, representatives of the State in the Congress of the United States, and presidential electors, approved July 23, 1868, also to repeal an act to provide for a registration of the legal voters in the State of Arkansas, approved July 15, 1868,

Pending the further reading of the bill,

By unanimous consent,

The further reading of the bill was dispensed with,

And,

The bill was read a third time by title and placed upon its passage,

Mr. Turbeville moved the previous ques-

tion, which was seconded, and the main question ordered, viz:- Shall the bill pass?

The question being put,

It was decided in the affirmative, - yeas 43. nays 31, not voting 8.

Those who voted in the affirmative are:-

Messrs.

Berry. J. M.
Brinn, Chas. E.
Brearley,
Brickenthal,
Corbell,
Cleveland,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham,
Ennis,
Eagle,
Furtush,
Foster,
Gist,
Gilbreath,
Gossett,
Hanley,
Hughes,
Lee,
Lynch,

Those who voted in the negative are:-

Messrs.

Berry. C. E.
Bynum, Paul,
Craphine,
Cox,
Copeland,
Fox,
Green,
Hankins. A. M.
Hankins. Mamie,
Hankins. O. S.
Harris.

Messrs.

Latta,
Murphy. J. M.
McLeod,
McAuliffe,
Merritt,
McVeigh,
Matheny,
Pindell,
Parrish,
Reid,
Robertson,
Sherry,
Sumpter,
Shinn,
Shuman,
Tillar,
Shumbury,
Warwick,
White,
Walker,
Wright,

Messrs.

Murphy. Jno.
Miller,
Nunn,
Page,
Rankins,
Robinson,
Shipley,
Sharpstein,
Spears,
Stephenson,
Sheppeson,

Messrs,

Jordyn,
Johnson, Adam
Johnson, J. H.
Kingston,
Kent,

Messrs,

Stewart,
Turner,
Williams,
The Speaker.

So the bill was passed.

Mr. Simpson moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table.

Mr. Neal Brown asked for the year and nays.

The question being put. Shall the motion to reconsider be laid on the table?

It was decided in the affirmative, — years 41, nays 29.

The year and nays being demanded by five members.

Those who voted in the affirmative are:-

Messrs.

Benj. J. H.
Brown, Chas D.
Beasley,
Bridenthal,
Chandler,
Chapman,
Crowley,
Coate,
Cunningham,
Ennis,
Eagle,
Finbush,
Foster,
Gist,
Gilbreath,
Hazzard,
Harley,
Coynter,
Lynn,
Latta,
Memphy, J. H.

Messrs.

Mechlen,
Merritt,
McCreigh,
Matheny
Nunn,
Pindall,
Parrish,
Reid,
Robertson,
Storey,
Scruggs Ben,
Thomas,
Thornton,
Tillar,
Thornbury,
Warnick,
White,
Wheat,
Walker,
Wright,

Those voted in the negative are:-

Messrs.

Brown. Neal
Chapline.
Cort,
Copeland.
Fox.
Hawkins. H. M.
Hawkins. O. S.
Hawkins. Mower
Hess,
Irby,
Johnson. Adam
Johnson. J. H.
Kingston,
Kohl,
Lee,

Messrs.

Murphy. Wm,
McCord,
Mullen,
Page,
Rankin,
Robinson,
Sauber,
Spears,
Stephenson,
Shipperson,
Stewart,
Turner,
Williams,
The Speaker.

So the motion to reconsider was laid on the table.

Under a suspension of the rules for that purpose.

On motion of Mr. Latta

The vote by which the House postponed until 10 o'clock P. M., the consideration of a special order for 11 o'clock A. M., was reconsidered having the consideration of the bill of the House (H. R. 276) entitled An act to provide for the learning and management of the state penitentiary.

Pending which.

The hour of 11 o'clock and 30 minutes A. M., having arrived, being the hour set for the consideration of the substitute for the bill of the House (Sub. H. R. 237) entitled An act to exempt the household and kitchen furniture and the wearing apparel of residents of this state and the wearing apparel of their families from taxation,

On motion of Mr. Latta,

The consideration of the special order was postponed until 2 o'clock P. M.,

On motion of Mr. Latta,

The House resolved itself into the Committee of the Whole House for the further consideration of the bill of the House (H. R. 276) entitled An act to provide for the learning and

management of the state penitentiary
after some time spent therein,
The Speaker resumed the chair.
And then,
On motion of Mr. Cate,
The House, at 2 o'clock and 35 minutes, P. M.,
adjourned.

Attest

Speaker,

Clerk.

Saturday, March 22, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:—

Messrs. C. C. Berry, J. M. Berry, Neal Brown, Beasley, Breckenridge, Chapline, Cobell, Cleveland, Chandler, Chapman, Crosby, Cate, Cunningham, Davis, Erwin, Eagle, Fox, Foster, Gist, Gilbreath, Hewett, Grissom, Hanna, Hankins, Harris, Harley, Joslyn, Adam Johnson, J. M. Johnson, Joyner, Knight, Kent, Lynn, Latta, Murphy, J. M. Murphy, Mc, McLeod, Millen, McVeigh, Matheny, Nunn, Paye, Pindall, Rankins, Reid, Robertson, Robinson, Shipley, Spears, Stephenson, Shepherd, Story, Sumpter, Stewart, Thomas, Shumway, White, Wheat, Walker, Wright, the Speaker.

Prayer by the Chaplain.

The Journal of Friday was read and approved.

Under a suspension of the rules for that purpose,

Mr. J. M. Berry moved that the clerks, janitors and messengers of all committees except the clerk and janitor of the Committee on the Judiciary, be discharged, to take effect from this date.

Mr. Sumpter moved that the motion be amended by inserting after the word "Judiciary" the words "and clerks of the committee on Auditor and Treasurer books"

Mr. Cobell moved that the motion lie on the table and be made special order for 11 o'clock A. M. of Saturday, March 29, 1873.

Which was not agreed to.

The question recurring on the motion to amend by inserting after the word "Judiciary" the words "and clerks of the Committee on Auditor's and Treasurer's Books"

Mr. Cobell moved the previous question, which was seconded, and under the operation thereof the amendment was agreed to.

The question then recurring on the original motion, as amended.

Mr. Cobell moved the previous question which was seconded and under the operation thereof the motion was agreed to.

The hour of 10 o'clock and 30 minutes A. M., having arrived,

The House proceeded to consider the special order set for that hour, being the consideration of the bill of the House (H. R. 87) entitled An act to maintain a system of free common schools for the state of Arkansas.

By unanimous consent,

Under a suspension of the rules,

The bill was read a third time by title and placed upon its passage,

Mr. Kingston moved the previous question which was seconded, and the main question ordered, viz:- Shall the bill pass?

The question being put,

It was decided in the affirmative,—yeas 67, nays 2, not voting 13.

Those who voted in the affirmative are:

Messrs.

Berry, C. C.,
Berry, J. H.,
Brantley,
Brodenthal,
Chaplin,
Cobell,
Cleveland,

Messrs

Latta,
Memphy, J. M.,
Memphy, Wm.,
McLeod,
Marshall,
McGehee,
Merritt,

Messrs.

Coit,
Copeland,
Chapman,
Chandler,
Crowley,
Cate,
Cunningham,
Davis,
Evans,
Eagle,
Fox,
Gist,
Gilmath,
Garrett,
Grisem,
Hawkins, O. S.,
Hawkins, Mann
Harris,
Harley,
Jerlyn,
Johnson, Adam
Johnson, J. H.
Joyner,
Kingston,
Kent,
Lee,
Lynn,

Those who voted in the negative are:-

Messrs.

Brown, Neal
Those absent or not voting are

Messrs.

Beardsley,
Brown, Chas. F.
Bulbush,
Foster,
Hawkins, A. H.
Hegnes,
Mitchell,

Messrs.

Mackeigh,
Matheny,
Nance,
Page,
Randall,
Rankins,
Reid,
Robertson,
Robinson,
Shipley,
Shapland,
Spears,
Stephenson,
Shepperson,
Sturgis,
Sculpture,
Stewart
Turner,
Thynne,
Thurman,
Thursby,
White,
Walker,
Williams,
Wright,
The Speaker.

Messrs.

Miller,

Messrs.

Preston,
Parrish,
Sarber,
Tillar,
Warwick,
Wheat,

So the bill was passed,
Mr. Corbell moved that the vote last ta-

key be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

Hon. C. E. Berry from the select committee to inquire into the origin and cause of the late troubles in Pope county, and to report what steps are necessary to be taken to restore peace and good order in that county, submitted under the rule the following report, which was read, viz:—

Mr. Speaker: Your committee appointed to enquire into the origin and cause of the late troubles in Pope county; what steps if any had been taken to punish the guilty parties; and what measures are necessary to restore peace and good order, beg leave to submit the following report.

Your committee upon investigation find from the testimony that a disordered state of affairs has existed in Pope county ever since the close of the late war. An unusual large number of lawless and desperate men elected to have selected Pope county as their abiding place immediately after suspension of hostilities in the year 1865; and so quickly did a lawless spirit manifest itself to the terror of all good citizens, that the government of the United States found it necessary to establish a military station at the town of Dover which was garrisoned by United States troops. For a period of nearly eighteen months after the close of the late war.

Your committee further find that all the clerks and sheriffs of Pope county of republican proclivities that have exercised or attempted to exercise the functions of their respective offices since the late war have been assassinated, with the exception of one, who died a natural death, and also in this connection a large number of unaccountable and mysterious assassinations of known men have occured, simultaneously, at different times and places throughout the county. Your committee in directing particular attention to learn the cause of the great number of murders in said county, have elicited but virtually the same

statement from all the witnesses both republicans and democrats, viz. To use the language of the testimony before us, one of the highest officers of the county and wholly unconnected with the late troubles, testifies "that no republican can officiate in the office of sheriff, in Pope county with any safety to his person without appointing a "rebel deputy." and a prominent democrat when asked the questions the people had to Mr. Dickey the late clerk stated that "he was very much of a gentleman and made an excellent clerk but the people didn't like him because he was a carpet-bagger." although the evidence shows that at the time of his assassination, he had been a resident of Pope county for one seven years, the cause of the late immediate outbreak originated from an attack made to assassinate John. M. Williams late deputy sheriff of said county. Several parties who were strongly suspected of attempting to take Williams life were arrested by E. W. Dodson the late sheriff, among whom was one Tucker and Hale. While on his way in charge of the prisoners at the town of Dover he was threatened that if he did not turn the prisoners loose they would be rescued at any cost. Arresting the parties making such threats he proceeded with his prisoners, and when within 3 miles of Russellville, after night the sheriffs guard was fired into from the brush, by unknown parties, and the fire was returned by the sheriffs guard, in which firing Tucker was killed, and Hale wounded, who subsequently died. It has been alleged that the sheriffs guard laid the plan and murdered Tucker and Hale; it has also been alleged that Williams precipitated the attack upon himself, for the purpose of creating trouble in the county. In the latter connection the committee would say the evidence shows the attack was witnessed by two respectable and credible persons, and in the former case it is simply shear nonsense, the very order of march by the sheriffs guard precludes the idea of a premeditated design upon the prisoners; and evinces a stupidity and utter disregard for their own lives, which were capable of committing so grave a crime, are seldom ever guilty of. It appears from the evidence that at

the time of the firing (which evidence is corroborated by the prisoners themselves) that the sheriff and Hickox were in the advance; following immediately and close behind them were the prisoners, two abreast, and the guard following up close in the rear. At the first fire Hale's horse ran over Hickox throwing him to the ground and dislocating his shoulder. The committee would ask if a premeditated attack from the mayelle of a dark night could have singled out the prisoners only with any certainty; and could firing have opened from the rear upon the prisoners, without absolute certainty of killing or wounding either Dodson or Hickox. Taking these circumstances into consideration with the subsequent testimony, that a squad of armed men did follow in pursuit of the sheriff, or rather in the same direction and called at a famous house for a gun, and did return about two hours after the firing on the sheriffs squad, leads your committee to believe that the sheriffs guard was pursued and fired upon as indicated would be done by Hart in Dove, when he demanded the release of the prisoners. Since the period alluded to the occurrences in Pope county have been so notorious and the county is so familiar with them all that it is unnecessary for your committee to speak of it here. Since last August bodies of armed men ranging from forty to one hundred and fifty have held in dispute sway over the town of Dover, and community to the terror of good citizens, at whatever times and in whatever manner they saw proper. When a large body of armed men are in the town of Dover and defying the officers of the law, it was alleged that resistance was made only against Dodson and declaring their readiness to surrender to any other officer. In order to meet the requirements of these parties at the time, who held the situation a warrant was obtained from Squire Haddox at Russellville by Mr. King a prominent conservative citizen of the county, and about twenty-five good and respectable citizens principally Democrats proceeded to the town of Dover to arrest Harry Ponter. Upon arriving at Dover and his business made

known. Mr. King and his guard were informed that he would submit to arrest but he must stay with his friends at Dover, and be tried there. Mr. King returned without his prisoner.

Your committee also find from the evidence and reliable and official sources that a number of lawless parties, and some of the sheriffs guard have been indicted by the Pope circuit court for murder none of whom have been apprehended or arrested; but Wallace Hickox, Elisha Dodson and Mr. Stewart and the posse of the sheriffs guard who are accused, voluntarily surrendered themselves and submitted to the laws of the county. It is proper to say that since the events have had these cases under consideration, both Wallace Hickox and Mr. Dodson have been assassinated. Mr. Stewarts trial remains to be heard. Your committee is bound to think and say that a large number of citizens in the vicinity of Dover have either from terror or design to a certain extent aided and encouraged the assassinations that have occured in said county. But while the committee cannot condemn nor approve the killing of Hale and Tucker disregarding under what circumstance the killing was done as the matter is already under investigation by the civil courts. Your committee from the same policy will express no opinion as to the motives actuating a number of what should be known as law abiding citizens of Pope county to have countenanced or permitted so many grave and serious murders and assassinations to occur in their very midst. Your committee further find that Gov. Upham was in Pope county with a few state guards under instructions of his excellency the late governor by my pacific and conciliatory measures, he for a short time suppressed the commission of crime. A few weeks following the withdrawal of state troops from the county ensued the assassination of sheriff Dodson and Bennett with a fresh renewal of all the terror to the law abiding citizens that they have passed through for the last two months, while numbers of respectable citizens with their families are leaving the

county.

Your committee's first duty is to recommend such measures as will restore peace and good order in said county. To conscientiously discharge their duties impartially, your committee feels the grave responsibility of the measures that they may recommend to this House. Your committee are of the opinion that martial law would afford no remedy or in any manner guarantee relief to the law abiding citizens of Pope county and restore peace and good order. On the contrary in dying from the past your committee believe that hostilities and assassinations would be renewed after the suspension of martial law.

1st. That the Governor be requested to appoint good reliable and competent citizens to fill the vacancies now existing in the different offices of Pope county of known integrity, who will discharge their duties impartially.

2nd. That a thorough investigation be had into all the crimes and misdemeanors committed within the county of Pope not barred by the statute of limitations by the grand jury of Pope county, and if the laws do not already provide, that it be so amended that if the grand jury of Pope county fail neglect or refuse to make such investigation, then a writ issue for a jury to be summoned from some other county in the circuit to enquire into the same, and if any judge or prosecuting attorney fail to devote the utmost and strictest attention to ferret out and punish the guilty parties or throw the slightest impediment in the way of strict and impartial justice; then the governor be empowered by law to immediately suspend such judge or attorney from office, and appoint those who will execute the laws.

3d. That the Governor be empowered by law to offer a standing reward of not less than three thousand dollars for the arrest and conviction of any person found guilty of murder within the county of Pope since the 27th day of May A. D. 1865, to the present

time, that in order to carry out the provisions of this enactment, your committee believes the Governor should be fully empowered to use all the available forces of the state if necessary to execute the law, and your committee would also recommend a decided change in the mode of executing the criminal laws, and provide means for the more effectually apprehending criminals charged with grave crimes and bringing them to justice

4th. Your committee has had under consideration one other measure they earnestly recommend which in their opinion will be very effective in promoting the future peace and good order of the county. It is an incontrovertible fact that the town of Dover, the present county seat of said county has for years past been the scene of interstine strife, insurrection murder and bloodshed. And your committee believe many good citizens of Pope county, irrespective of party were to their county seat unless compelled to, and regard it as a locality to be feared and avoided. It is in evidence before your committee that no county courts were held in Dover from June 1872 until about the January term of 1873, or in other words, two terms were not held because it is in evidence before us that it was altogether unsafe to open court in Dover at the time, the premises being considered by your committee; with the measures heretofore suggested and for the further purpose of wiping out the last vestige of the late discord in the unhappy Commonwealth of Pope, and effacing all the local causes that have existed and been productive of the many evils and misfortunes of its citizens, Your committee would respectfully recommend the passage of an act authorizing the removal of the county seat from the town of Dover, to some other good and healthful location, to be selected by three commissioners to be appointed by the governor; And your committee believe that if this is done in connection with some similar measures as herein suggested it will at once settle the strife and contention in Pope county, restore law and order, and promote the peace and prosperity of its citizens.

Your committee having examined a great many witnesses and adduced a large amount of testimony, and having concluded their labors

respectfully ask to be discharged.

Chas. E. Berry,
Chairman,
Benton Turner,
Jas. A. Shipley.
Committee

Mr. Turner moved that the report of the committee be adopted and that one hundred and fifty copies be printed for the use of the House.

Pending the consideration of the question.

The hour of 11 o'clock A.M. having arrived being the hour set for the consideration of the bill of the House (H. R. 226) entitled An act to create the county of Coolidge and for other purposes.

On motion of Mr. English,

The consideration of the special order was postponed and the bill was recommitted to the committee on Counties and County Lines for the purpose of amendment.

The question then being on the motion that the report of the committee be adopted and that one hundred and fifty copies be printed for the use of the House,

Mr. Thornburg called for a division of the question.

Pending which,

On motion of Mr. Cornell

Ordered, That one hundred and fifty copies be printed for the use of the House and that the report lie on the table and be made special order for 11 o'clock A. M., of Thursday, March 27, 1873.

Mr. Hockett, from the Committee on Education, to whom was referred the bill of the House (H. R. 107) entitled An act authorizing school districts organized under an act entitled An act for the better regulation of public schools in cities and towns to issue bonds for building school-houses, and for other purposes, reported the same with the recommendation that the bill be amended by striking out in section 1, the words "five members of such board" and insert in lieu thereof the words "a majority of the legal votes in such school district".

The report of the committee was adopted and the amendment was accordingly agreed to.

And,

On motion of Mr. Latta,

Ordered, That the bill be engrossed for a third reading and be made special order for 12 o'clock M., of Wednesday, March 26, 1873.

Also, from the same committee, to whom was referred the bill of the Senate (S. 25) entitled An act authorizing certain school districts to borrow money to build and repair school houses, reported the same with the recommendation that the bill be not passed.

On motion of Mr. Latta,

Ordered, That the bill lie on the table and be made special order for 12 o'clock M., of Wednesday, March 26, 1873.

A message from the Senate by Mr. Orrick, their Secretary, viz:-

Mr. Speaker:- I am instructed by the Senate to inform your honorable body of the passage of (Senate Bill No 124) entitled a bill to be entitled an act to legalize certain acts of the clerks of the Probate Courts of the several counties of the state of Arkansas and for other purposes, and herewith transmit the same for your favorable consideration.

I am also instructed by the Senate to inform your honorable body of the passage of (S. B. No 52) entitled, An act to provide against the evils resulting from the sale of intoxicating liquors in the state of Arkansas, and (S. B. No 71) entitled An act to amend section 617 of the code of practice, and (senate joint Res No 13) entitled Joint resolution in relation to procuring a key for the capital building. And herewith transmit the same for your favorable consideration.

Mr. McGehee from the Committee on Education to whom was referred the bill of the House (H. R. 184) entitled An act to authorize the legal voters of school district No. 5 in Prairie county to levy a tax, reported the same with the recommendation that the bill be not passed.

On motion of Mr. Dinin.

The bill last reported was recommitted to the Committee on the Judiciary.

Mr. Stewart, from the same committee to whom was referred the bill of the House (H. R. 96) entitled An act to abolish office of circuit superintendent of public instruction, school district trustees, and for other purposes, reported the same with the recommendation that the bill be not passed.

On motion of Mr. Chaplin,

Ordered, That the bill last reported lie on the table subject to the call of the House.

Also from the same committee to whom was referred the bill of the House (H. R. 148) entitled An act to amend an act entitled Chapter 92 of the acts of the General Assembly, approved July 23, 1868, reported the same with the recommendation that the bill be not passed.

Mr. Fox from the Committee on the Judiciary to whom was referred the bill of the House (H. R. 241) entitled An act for the relief of the people of Pope county, and for other purposes, reported the same with the recommendation that the bill be amended as follows:

At the conclusion of Sec. 3, add as sec. 4. the following "That if any collector or pretended collector of said county has collected any state tax for the year 1872, he shall refund the same to the person or persons from whom collected and in default of payment the said collector or pretended collector and his securities on his collector bond shall be liable therefor in an action before any court having jurisdiction." At the conclusion of sec. 4 as amended add as sec. 5 "That this act take effect and be in force from and after its passage.

The report of the committee was adopted and the amendments were accordingly agreed to.

And,

On motion of Mr. Saben,

Ordered, That the bill be engrossed for a third reading and be made special order for 10 o'clock

and 15 minutes A. M., of Tuesday, March 25, 1873.

Also, from the same committee, to whom was referred the bill of the House (H. R. 80) entitled An act to provide for the election of prosecuting attorneys and other officers, reported the same with the recommendation that the bill be not passed.

On motion of Mr. Pindall.

Ordered, That the bill lies on the table subject to the call of the House.

Also, from the same committee, to whom was referred the bill of the House (H. R. 248) entitled An act for the relief of the purchasers of the land in Hot Spring county formerly belonging to Oakley and Fendley, which were mortgaged to the Real Estate Bank and which were afterwards forfeited to the state for taxes and sold by the Auditor, reported the same and recommended its passage.

On motion of Mr. Livingston.

Ordered, That one hundred and fifty copies be printed for the use of the House and that the consideration of the bill be made special order for 11 o'clock A. M. of Friday, March 28, 1873.

Also, from the same committee to whom was referred the bill of the House (H. R. 247) entitled An act to dispose of certain lands and lots in which the Arkansas State Bank or the state of Arkansas has a legal or equitable interest and for the collection of purchase money on such lands or lots, reported the same and recommended its passage.

Read.

On motion of Mr. Fox.

Ordered, That one hundred and fifty copies be printed for the use of the House and that the consideration of the bill be made special order for 11 o'clock A. M. of Thursday, March 27, 1873.

Also, from the same committee, to whom was referred the bill of the House (H. R. 213) entitled An act to regulate change of venue in criminal cases, reported the same and recommended its passage.

Read.

On motion of Mr. Fox.

Ordered, That the consideration of the bill be made special order for 11 o'clock and 30 minutes A. M. of Wednesday, March 26, 1873.

Mr. Warwick from the Committee of Ways and Means, to whom was referred the bill of the House (H. R. 163) entitled An act to prevent sheriffs and collectors from selling land or returning persons and property delinquent when taxes have been paid, and to punish the same reported the same and recommended that the bill be amended as follows:-

1st. In the first section strike out all after the words "a sum equal to" and insert "double the taxes, penalty and cost charged on said land together with such actual damages as may have been received, and for any judgment so recovered such officer and his sureties shall be liable for payment on his official bond."

2nd. As a further amendment that the 2d section be stricken out,

The report of the Committee was adopted and the amendments were accordingly agreed to.

And,

On motion of Mr. Warwick,

Ordered, That the bill be engrossed for a third reading and be made special order for 11 o'clock A. M. of Tuesday, March 25, 1873.

Also from the same committee, to whom was referred the bill of the House (H. R. 245) entitled An act for the relief of collectors of revenue reported the same and recommended that the bill be amended as follows, viz:-

Strike out first five lines of section 1, and insert instead the following words, viz:-

"That whenever any person to fifteenth day of March, 1873 have"

Also in section 2 after the words "state script" in the 5th line insert the words "prior to the 15 of March, 1873"

Also at the end of section 3, insert the words: "Provided, that if any collector refuse or neglect to take and subscribe the oath required in this

section he shall not be permitted to avail himself of the benefits of this act"

Also in section 4, strike out the words "prior to the promulgation of said decision of said supreme court," and insert in lieu thereof the following, "prior to the 13th day of March 1873."

The report of the committee was adopted and the amendments were accordingly agreed to.

And,

On motion of Hon. J. H. Berry.

Ordered. That the bill be engrossed for a third reading and be made special order for 11 o'clock and 25 minutes A.M. of Tuesday, March 25, 1873.

Also, from the same committee, to whom was referred the bill of the House (H.R. 204) entitled An act for the relief of all persons who were sufferers by the fire at Fort Smith, Arkansas, on the 14th day of November, 1872, reported the same with the recommendation that the bill be not passed.

And,

On motion of Hon. Cordell,

Ordered. That the further consideration of the bill be indefinitely postponed.

Also, from the same committee, to whom was referred the bill of the House (H.R. 118) entitled An act to establish and institution to be known and called the Arkansas State Lunatic Asylum, returned the same, and submitted the following report thereon, viz:-

Mr. Speaker:- Your Committee of Ways and Means have had under consideration House bill 118 to establish an institution to be known and called the Arkansas Lunatic Asylum.

The committee beg leave to report that said bill is carefully prepared; and the interests of the state, and the unfortunate insane, efficiently well secured by its provisions. Your committee believe that such an institution should be established at the earliest practicable period, but are of the opinion that

the financial condition of the state will not warrant her in ordering at this time, and for this reason recommend that the bill do not pass

On motion of Mr. McVeigh.

Ordered, That the bill lie on the table and be made special order in the Committee of the Whole House for 12 o'clock and 30 minutes P.M. of Tuesday March 25, 1873.

Also, from the same committee to whom was referred the bill of the House (H.R. 244) entitled An act for the relief of Thomas M. Scott, late sheriff and ex-officio collector of Sebastian county, state of Arkansas, returned the same and submitted the following report thereon, viz:-

Mr. Speaker: Your Committee of Ways and Means, have had under consideration House bill 244 for the relief of Thos. M. Scott and here with return documentary evidence laid before the committee. In addition to this evidence the committee find that said Thos. M. Scott, while collector of Sebastian county was in the habit of leaving the public moneys in the drawer of an office desk; and that no one slept in the office; that it was so left the night of the burglary; The committee find from the evidence that a burglary was committed as set forth in the preamble of the bill, and a large amount of money, stolen, certainly $1600.00. But your committee find that said collector was so far negligent and careless in regard to the safety of the fund, as to not entitle him to affirmative relief. The committee therefore recommend that the bill do not pass,

On motion of Mr. Cobell.

Ordered, That the bill last reported lie on the table,

Also, from the same committee, to whom was referred the bill of the Senate (S 10) entitled An act to amend sections 1, 3, 4, 5, 6, 7 and 8 of an act entitled An act fixing the salaries of certain officers, No XIII, approved July 13, 1868, and also the bill of the House (H.R. 147) entitled An

act, to amend an act fixing the salaries of certain officers, approved July 13, 1868, returned the same and submitted the following report thereon, viz:-

Mr. Speaker: Your Committee of Ways and Means have had under consideration Senate bill No 10 and House bill 147 both bills being in relation to salaries of state officers. The Senate bill reduces the salaries of all officers save Lieutenant Governor, and the House bill reduces all.

Under the constitution of the state, the General Assembly can pass no law reducing these salaries that can take effect during the term of the present incumbents.

Before their term will expire another General Assembly will be chosen by the people, and have a session.

Your committee therefore deem it unwise to interfere with, or provide different salaries at this session and therefor recommend that said bills do not pass.

On motion of Mr. Warnock.

Ordered, That the bills last reported lie on the table.

Also, from the same committee, to whom was referred the bill of the Senate, (S. 94) entitled An act to provide for the printing of three thousand copies of the acts of the General Assembly of the state of Arkansas passed at the session of 1868, and the adjourned session of 1868 and 1869, returned the same and submitted the following report thereon, viz:-

Mr. Speaker:- Your committee have had under consideration Senate bill 74 to be entitled An act for the printing 3000 copies of acts 1868 & 9, and inasmuch as the General digest soon to be published will contain all of said acts in force, which would render the publication contemplated by the present bill an unnecessary expense, Your committee recommend that said bill do not pass.

On motion of Mr. L. H. Johnson.

Ordered, That the bill last reported lie on the table.

Also, from the same committee, to whom

was referred the bill of the House (H. R. 176) entitled, An act for the relief of tax-payers, returned the same and submitted the following report thereon, viz:-

Mr. Speaker: Your Committee of Ways and Means have had under consideration House Bill 176 to be entitled An act for the relief of tax-payers. The payment of taxes having been by law extended for the present year, all necessary relief has been granted for this collection. As a rule, your committee believe that the passage of the bill would injurious by affect the collection of the revenue and recommend that the bill do not pass.

On motion of Mr. Cobell.

Ordered, That the further consideration of the bill last reported be indefinitely postponed.

Also, from the same committee, to whom was referred the bill of the House (H. R. 215) entitled An act extending the time for the collecting the taxes of Bexar County, returned the same and submitted the following report thereon, viz:-

Mr. Speaker; Your committee of Ways and Means, have had under consideration House bill 215 to be entitled An act extending the time for collecting te taxes of Bexar county.

A general law having been enacted extending the collection of all taxes for 30 days, Your committee recommend that said bill do not pass.

On motion of Mr. Warwick;

Ordered. That the bill last reported lie on the table,

Also, from the same committee, to whom was referred the bill of the House (H. R. 208) entitled An act to relieve N. W. Jackson from the payment of certain taxes, returned the same and submitted the following report thereon, viz:-

Mr. Speaker; Your Committee of Ways and Means have had under consideration House bill 208. to be entitled An act to relieve N. W. Jackson from the payment of certain taxes,

Your committee find that the property

of said Jackson, a resident of Pulaski county was assessed by one Blackwood deputy assessor and was by him assessed at the value fixed by said Jackson,

That at the time of said assessment there was a railroad station, and town on the premises, which has since been removed, thus causing a depreciation in value, (perhaps of $3000.),

Your committee not believing this any good cause for legislative interference, or reduction of assessment recommend that the bill do not pass.

On motion of Mr. J. M. Johnson,

Ordered, That the bill last reported lie on the table,

Also, from the same committee to whom was referred the bill of the House (H.R. 841) entitled An act to give aid to the Arkansas State Agricultural and Mechanical Association for the encouragement of home industry, reported the same and recommended a substitute therefor, entitled An act granting aid to Agricultural and Mechanical Association for the encouragement of home industry.

The report of the committee was adopted and the substitute was accordingly adopted in lieu of the original bill.

And,

On motion of Mr. Warwick.

Ordered, That the further consideration of the substitute bill be postponed and be made special order for 11 o'clock and 30 minutes A.M. of Thursday, March 27, 1873.

Mr. McVeigh from the select committee instructed to report such measures as will reduce the expenses and improve the financial condition of the state entrusted a report with accompanying bill (H.R. 277) entitled An act to provide for the leasing and management of the state penitentiary.

Reads the bill was read.

After discussion,

Mr. Fox moved that the further consideration of the report of the Committee be indefinitely postponed pending the consideration of the motion.

Mr. J. M. Murphy, at 12 o'clock and 35 minutes P.M. moved that the House adjourn.

Which was not agreed to,

The question being on the motion that the further consideration of the report of the committee be indefinitely postponed.

After further discussion.

One objection being offered,

Mr. Fox withdrew the motion.

Mr. Kent moved that it be declared the sense of the House that the paper entitled "a bill to be entitled an act to provide for the leasing and management of the state penitentiary" is a bill and not a report from a committee.

The Speaker ruled the motion not in order.

Mr. Copeland moved that the bill and report of the committee be made special order for 10 o'clock and 30 minutes A.M. of Tuesday March 25, 1873.

Mr. Cate moved as an amendment that the further consideration of the bill be postponed and be made special order for 11 o'clock A.M. of Monday, March 24, 1873.

Which Cate motion was agreed to.

Mr. McGehee moved that the House resolve itself in to the Committee of the Whole House for the further consideration of the bill of the House (H.R. 276) entitled An act to provide for the leasing and management of the state penitentiary.

Mr. Sumpter asked for the yeas and nays.

The question being put.

It was decided in the affirmative — yeas 42, nays 22.

The yeas and nays being desired by five members,

Those who voted in the affirmative are;-

Messrs.

Berry, J. H.,
Beard,
Bridenthal,
Cobb,
Copeland,
Chandler,
Chapman,
Joyner,
Kent,
Lynn,
Latta,
Murphy, Wm.,
McGehee,
Mahaney,

Messrs.

Messrs.

Brierley,
Cate,
Ennis,
Eagle,
Fox,
Fyfe,
Gist,
Gilmatt,
Jarrett,
Jessup,
Hopkins, Monroe
Harris,
Harley,
Jordan,
Johnson, J. H.

Those who voted in the negative are:-

Messrs.

Berry, C. E.
Bynum, Steele
Chapline,
Corbett,
Cleveland,
Cunningham,
Kane,
Hankins, C. S.
Lassiter,
Lee,
Murphy, J. M.

Messrs.

McLeod,
Marshall,
Nunn,
Shipley,
Sheppard,
Spears,
Stephenson,
Stephens,
Story,
Stewart,
The Speaker.

So the motion was agreed to.

And,

The House accordingly resolved itself into the Committee of the Whole House for the further consideration of the bill of the House (H.B. 276) entitled An act to provide for the county and future management of the state penitentiary.

After some time spent therein,

The Speaker resumed the chair,

And,

Mr. J. M. Johnson reported that the committee having accordingly to order had

under consideration the bill of the House (No. R. 276) entitled An act to provide for the keeping and management of the state penitentiary, had made progress therein and asked leave to sit again.

Mr. Latta moved that the consideration of the bill just reported be postponed and be made special order for 10 o'clock and 30 minutes A. M., of Monday, March 24, 1873.

Pending which,

On motion of Mr. Kent,

The House, at 1 o'clock and 30 minutes P. M., adjourned until 10 o'clock A. M., of Monday March 24, 1873.

Approved.

Speaker,

Attest

Clerk.

Monday, March 24, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. H. C. Bear, L. H. Bear, Beasley, Bridenthal, Chapeins, Corbell, Cleveland, Cott, Copeland, Chandler, Chapman, Crowley, Cate, Cunningham, Davis, Ennis, Eagle, Fox, Furtick, Foster, Fist, Gilbreath, Garrett, O. S. Hawkins, Hargrove, Hawkins, Harris, Hanley, Jordyn, Adams, Johnson, Joyner, Kinyston, Kent, Lee, Lynch, Wm. Murphy, McLeod, Marshall, McGehee, Miller, McVeigh, Mantony, Mitchell, Nance, Pindall, Rankin, Reid, Roberts, Robinson, Sinbert, Shingley, Shuffard, Speyer, Stephenson, Shepherson, Story, Sumpter, Stewart, Shumate, Summers, Fillar, Thornburg, White, Walker, Williams, Wright, The Speaker,

The Journal of Saturday, March 22, 1873, was read and approved.

The hour of 10 o'clock and 30 minutes A. M. having arrived,

The House proceeded to consider the special order set for that hour being the consideration of

the bill of the House (H.R. 2211 entitled An act for the incorporation of the Macedonia Male and Female College of the Arkansas and Louisiana District of the Methodist Protestant church.

On motion of Mr. Kent.

Ordered. That the bill lie on the table.

By unanimous consent.

On motion of Mr. Stewart.

Leave of absence was granted Mr. Toney Grissom, and Mr. J. W. Williams for 4 days.

The House proceeded to consider the further special order set for the same hour, being the consideration of the substitute for the substitute bill of the House (Sub. Sub. H.R. 99) entitled An act to regulate the sale of spirituous and vinous liquors.

On motion of Mr. Ervin.

The consideration of the special order was postponed for 30 minutes.

Recess.

On motion of Mr. Ervin

The House proceeded to consider the bill of the House (H.R. 174) entitled An act to define and establish the boundary line between the counties of Prairie and White.

Which was read a second time.

On motion of Mr. Gist.

The bill was amended so as to read "commencing on the range line between five and six west where said line crosses Des Arc Bayou, thence north on said range line to the northwest corner of township five north range five west.

On motion of Mr. Ervin.

Ordered, That the bill be engrossed for a third reading and be made special order for 11 o'clock A.M. of Thursday, March 27, 1873.

Mr. Chaplin under the rule, introduced a bill (H.R. 278) entitled An act allowing legal bars to lawyers in the same grade, of the judicial circuits, without regard to race or sex.

Which was read a first time.

By unanimous consent,

Under a suspension of the rules

The bill was read a second time by title, and
On motion of Mr. Warwick.
Ordered, That the bill be engrossed for a third reading and be made special order for 11 o'clock A.M. of Friday, March 28, 1873.

The hour of 11 o'clock A.M. having arrived being the hour set for the consideration of the bills of the House, (H.R. 39) entitled An act to create the county of Stone and for other purposes, and (H.R. 272) entitled An act to provide for the leasing and management of the state penitentiary.

On motion of Mr. Latta, the consideration of the special order was postponed for 30 minutes.

Mr. Parish introduced a bill with accompanying petitions to the same effect (H.R. 279) entitled An act to change the boundary lines of Desha county, and for other purposes.

Which was read a first time.

Mr. Jordan moved that the bill lie on the table subject to the call of the House.

Which was not agreed to.

On motion of Mr. Maiden,

Under a suspension of the rules.

The bill was read a second time, and

On motion of Mr. Souter.

The bill and accompanying petitions were referred to the Committee on Counties and County Lines,

Under a suspension of the rules for that purpose.

Mr. L.H. Johnson moved that the janitors be allowed a per diem of four dollars, the messenger of the Committee on Elections, as Assistant Sergeant-at-Arms and that the wood choppers for the House be allowed three dollars per day.

On motion of Mr. Fox,

The motion was amended by inserting after the words "janitors" the words "janitor of the Committee on the Judiciary."

The motion as amended was then agreed to.

The hour of 11 o'clock and 30 minutes A.M., having arrived being the hour to which the special order was set for 11 o'clock A.M. was postponed.

On motion of Mr. Brown.

The consideration of the special orders was postponed until 12 o'clock. M.

Mr. Dani introduced a joint resolution (H. Jt. Res. 231) a joint resolution to furnish the Fort Smith district with supreme court reports, digest, codes, &c.

Which was read a first time.

By unanimous consent.

Under a suspension of the rules.

The joint resolution was read a second time by title, and

On motion of Mr. Kent.

Was referred to the Committee on the Judiciary.

Mr. Latta introduced a bill (H. R. 288) entitled An act to enable the several counties in the state of Arkansas to liquidate their county indebtedness by appropriating and donating the forfeited now invested in the state and that will be invested in the state for the next three years by forfeiture for taxes.

Which was read a first time.

By unanimous consent.

Under a suspension of the rules.

The bill was read a second time by title.

Mr. Kent moved that the bill be referred to the committee on the Judiciary.

Mr. Sumpter moved as an amendment that the committee be instructed to report the bill by Friday, March 28, 1873.

Which was agreed to.

The motion as amended was then agreed to.

Mr. Turner introduced a bill (H. R. 280) entitled An act to create the county of Stanton and for other purposes.

By unanimous consent.

Under a suspension of the rules.

The bill was read a first and second time by title and referred to the Committee on Counties and County Lines.

Mr. Turner also introduced a bill (H. R. 281) entitled An act to provide for the appointment of a sheriff for Pope county.

Which was read a first time.

By unanimous consent,
Under a suspension of the rules,
The bill was read a second time by title.

On motion of Mr. Pindall,

The preamble of the bill was amended by striking out the words "and whereas, in consequence of the disturbed condition of said county, it is impolitic to hold an election in said county at the present time"

Under a further suspension of the rules,
The bill was read a third time and placed upon its passage.

The question being put, Shall the bill pass?
It was decided in the affirmation, — yeas 43, nays 20, not voting 19.

Those who voted in the affirmation are:-

Messrs.

Berry, C. E.
Bruen, Neal
Chapline,
Cleveland,
Chandler,
Crowley,
Davis,
Ervin,
Hankins, A. M.
Hankins, O. S.
Hankins, Homer
Harris,
Harley,
Jolly,
Johnson, Adam
Johnson, J. M.
Kingston,
Kelly,
Murphy, J. M.
Murphy, Wm.
McLeod,
McGehee,
Miller,
McVeigh,
Nunn,
Page
Pindall,
Parrish,
Rankins,
Robinson,
Sadler,
Shipley,
Stephenson,
Shepherd,
Sligh,
Stewart,
Turner,
Thorne,
Thomason,
Thornbury,
White,
Wright,
The Speaker,

Those who voted in the negative are:-

Messrs.

Beasley
Brubaker
Berry, J. M.
Cordell
Cote
Cunningham
Eagle
Erbrush
Foley
Gut
Hare

absent or not voting are:-

Messrs.

Beardsley
Brown, Chas. F.
Coit
Copeland
Chapman
Fox
Gibson
Hynds
Joynes
Lattu

Messrs.

Gilbreath
Gozett
Lee
Lynn
Matheny
Reid
Robertson
Sheppard
Spears
Walker

Messrs.

Marshall
Merritt
Mitchell
Preston
Sumpter
Tillar
Warwick
Wheat
Williams

So the bill was passed,

Mr. McLeod, from the Committee on Enrolled bills reported correctly enrolled the bill of the House (H. R. 40) entitled An act to create the county of Baxter and for other purposes.

Mr. Joynes introduced a bill (H. R. 282) entitled An act to aid in the construction of the Helena and Deer Mountain railroad.

Which was read a first time

By unanimous consent,

Under a suspension of the rules.

The bill was read a second time by title,

Mr. Reid moved that the bill be referred to the Committee on State Lands

Mr. Chaplin moved as an amendment that the bill be referred to the Committee on Railroads

Which was not agreed to.

The question recurring on the motion that the bill be referred to the Committee on State Lands.

It was agreed to.

Mr. Beasley from the Committee on Auditor's and Treasurer's Books, introduced a bill, together with a favorable report thereon (H. R. 283) entitled An act to preserve the records of the state.

Which was read a first time.

By unanimous consent.

Under a suspension of the rules.

The bill was read a second time by title.

Pending the further consideration of the bill.

The hour of 12 o'clock M. having arrived, being the hour to which the several special orders for the day were postponed.

On motion of Mr. Shepperson.

The consideration of the special orders were postponed until the business under the order of introduction of bills was disposed of.

The House having resumed consideration of the bill of the House (H. R. 283) entitled Direct to preserve the records of the state.

Mr. Mullen moved that the bill be amended by providing that the expense incurred be paid out of the perquisites of the Auditor's office.

After discussion.

Mr. Mullen moved that the bill and pending amendment be referred to the Committee of Ways and Means.

Mr. Corbell moved the previous question, which was seconded and under the operation thereof the motion to refer was agreed to.

Mr. Furbush introduced a bill (H. R. 284) entitled An act to create two commissioners to attend the Vienna Exposition to be held May 18, 1873.

Which was read a first time.

By unanimous consent.

Under a suspension of the rules.

The bill was read a second time by title, and

On motion of Mr. Corbell.

Was referred to the Committee on Banks.

Mr. Cleveland introduced a bill (H. R. 285) entitled An act for the benefit of the Annual Institute of Big Bottom, Independence County Arkansas.

Which was read a first time.

By unanimous consent.
Under a suspension of the rules.
The bill was read a second time by title.
On motion of Mr. Lynn.
The rules were further suspended (two-thirds of the members present voting therefor), and.
The bill was read a third time and placed upon its passage.
The question being put, Shall the bill pass?
It was decided in the affirmative, — yeas, 53; nays, 51 not voting, 24.
Those who voted in the affirmative are:—

Messrs.

Berry, C. E.
Berry, J. M.
Bowden that.
Chapelle.
Corbell.
Cleveland.
Chandler.
Chapman.
Crowley.
Cate,
Cunningham,
Ennis,
Eagle.
Fairbrush.
Foster,
Gist
Gossett.
Hawkins, A. M.
Hawkins, O. S.
Hawkins Thomas.
Harley,
Jolly,
Johnson Adams.
Johnson, J. M.
Joyner.
Kent.
Lee,

Messrs.

Lynch
Murphy, Wm.
McLeod.
Marshall.
Miller.
McVeigh.
Matheny.
Nunn.
Pindall.
Parish.
Rawlins.
Reid.
Robertson.
Robinson.
Spears.
Shuppersen.
Stacy.
Sumpter,
Stewart.
Thomas,
Thompson,
Thornburg.
White,
Walker,
Wright,
The Speaker,

Those who voted in the negative are:—

Messrs. Messrs.

Bynum. Neal Shipley.
Harris, Sharpstaid.
Mechelen.

Those absent or not voting are:-

Messrs. Messrs.

Beardsley Murphy. J.M.
Bynum, Chas. S. Mallett,
Beasley. Mitchell.
Bott. Page.
Copeland. Preston.
Dane. Sarber.
Fox. Stephenson
Gilbreath. Turner.
Gibson. Dillon.
Hynds. Warwick.
Kingston. Wheat.
Latta. Williams.

So the bill was passed.

A Message from his excellency the Governor by Mr. McSweany his private secretary who by unanimous consent read the same as follows:-

Executive Department. Arkansas.
Little Rock, March 22." 1873.

Gentlemen of the Senate and House of Representatives:-

Herewith I transmit a copy of a letter from the Department of the Interior. Washington, D. C., in relation to the title to the S.W¼ of N.W¼ Sec. 11 T. 11 N. R. 3 W (East of White River) Arkansas. By reference to the letter in question it will be seen that the title to the lands cannot be relinquished by me without the authority of the legislature. I therefore respectfully recommend the passage of a joint resolution authorizing the relinquishment to be made

Elisha Baxter,
Governor of Arkansas.

Department of the Interior,
General Land Office.
Washington D.C. March 15, 1873.

His Excellency,

The Governor of Arkansas,
Little Rock, Ark.

Sir:—

I have the honor to call your attention to the S. W. ¼ of N. W. ¼ Sec. 11, T. 11 N., R. 3 W. (E. of White River) Ark. which was inadvertently patented to the state as Swamp land April 3, 1871 in patent No. 11 for the Batesville now Little Rock, District.

This tract was entered by Rowland Fidwell, March 29, 1838 and patented to him Sept. 5, 1842, consequently the patent in of this tract was clearly erroneous and conveys no title. You are therefore respectfully requested to execute and forward to this office a relinquishment of the apparent title of the state to said tract.

Very Respectfully,
W. H. Curtis.
Acting Commissioner.

Also, a further message from the Governor.
Executive Department, Arkansas.
Little Rock, March 24, 1873.

Gentlemen of the Senate and House of Representatives.

Herewith I transmit for your consideration a copy of a letter from the superintendent of the state Penitentiary. By reference to the letter it will be seen that some action should be taken for the relief of the convicts. I would therefore respectfully recommend the adoption of such measures by the legislature as you may deem best for improving the sanitary condition of the institution.

Elisha Baxter,
Governor of Arkansas.

Superintendent Arkansas State Penitentiary.
H. B. Robinson, Superintendent.
Little Rock, Ark. March 24th, 1873.

Sir:— I have the honor to report that the health and sanitary condition of the convicts in the State Penitentiary requires that they be supplied daily with fresh beef and vegetables. That owing to the refusal of the Com. Stephen Wheeler Auditor, to audit and allow my vouchers for the purchase of the same, I am unable

to supply the same to them. The refusal of the auditor to allow the claims as he alleges grows out of complication respecting the legal construction of certain pretended leasing of the penitentiary by my predecessor. I have the honor to submit that the early attention of the legislature is necessary to the prompt relief of the convicts of the state.

I am my respectfully,
Your ob't Servant,
J. B. Robinson.
Superintendent State's Penitentiary

His Excellency,
Elisha Baxter,
Governor of Arkansas.

Under a suspension of the rules for that purpose Mr. Neal Brown submitted the following motion, viz:-

I move you a general amnesty to all members of this House for misdemeanors in conduct of last Saturday with the proviso that hereafter the first member who is guilty of using violent and abusive language unbecoming a gentleman shall be expelled by the concurrent vote of the House.

On motion of Hon. J. H. Johnson.

Ordered, That the motion lie on the table.

Hon. Lee introduced a bill (H. R. 286) entitled An act for the relief of William E. Maxfield.

Which was read a first time.

Hon. Neal Brown moved that the bill be rejected.

After debate,

Hon. Neal Brown moved the previous question which was seconded and under the operation thereof the motion was agreed to, and the bill was accordingly by rejected.

Mr. Warnock introduced a bill (H. R. 287) entitled An act donating and granting certain public lands of the state to the New Orleans, Little Rock and St. Louis Railroad company to aid in the construction of

March, 24

289

a railroad from Little Rock to the Louisiana border.
Which was read a first time,
By unanimous consent,
Under a suspension of the rules,
The bill was read a second time by title, and
On motion of Mr. Kent,
Was referred to the Committee on State Lands.

Mr. Shuman, introduced a bill (H. R. 289) entitled An act authorizing, restricting and regulating the subscription, issue and registration of bonds by counties, cities and towns.
By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second time by title and referred to the Committee of Ways and Means.

Mr. Shuman also, introduced a bill (H. R. 290) entitled An act to abolish the office of district prosecuting attorney and to provide each county in the state with such offices and to prescribe the manner of his appointment and election.
Which was read a first time.
By unanimous consent,
Under a suspension of the rules,
The bill was read a second time by title,
Mr. Shuman moved that the bill be referred to the Committee on the Judiciary.)

Mr. Kingston moved as an amendment that the bill be referred to the Circuit and Justices' Courts.
Which was not agreed to.
The question recurring on the motion that the bill be referred to the Committee on the Judiciary.
It was agreed to.

Mr. Cate introduced a bill (H. R. 291) entitled An act to define the rights of purchasers of state lands,
By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second time by title, and
On motion of Mr. Neal Burns
Was referred to the Committee on State Lands.

Mr. Cate introduced a bill (H. R. 292) entitled An act to amend section 8 of an act entitled an act to amend an act entitled an act providing for the building and repairing of the public levees of this state, approved March 23. 1871.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title and referred to the Committee on Internal Improvement.

Under a suspension of the rules for that purpose.

On motion of Mr. Brickenthal.

The consideration of the substitute for the substitute bill of the House (Sub. Sub. H. R. 99) entitled An act to regulate the sale of spirituous and vinous liquors, set for 10 o'clock and 30 minutes P. M., was further postponed and made special order for 10 o'clock and 45 minutes P. M., on the morrow.

Under a suspension of the rules for that purpose.

Mr. J. C. Johnson moved that any member who shall hereafter be absent from the House at four successive roll calls, unless excused, shall forfeit and pay to the state the sum of six dollars for each offence

Mr. Chaplin moved that the motion lie on the table,

Mr. J. H. Johnson asked for the yeas and nays.

The question being put,

It was decided in the affirmative, — yeas 34, nays 24,

The yeas and nays being demanded by five members,

Those who voted in the affirmative are:-

Messrs.	Messrs.
Berry, b. E,	Joyner,
Chaplin,	Murphy, J. M.
Chandler,	Murphy, Wm.
Chapman,	McVeigh,
Crowley,	Matheny,
Cate,	Pindell,
Cunningham,	Purnish,
Eagle,	Reid,
Fox,	Sherry,
Funbush,	Stewart,
Fuller,	Turner

Messrs.

Gist,
Jarrett,
Harris,
Harley,
Jaclyn,
Jefferson, Adams.

those who voted in the negative are—

Messrs.

Berry, J. H.,
Bearley,
Bridenthal,
Cobell,
Cleveland,
Ennis,
Gilbreath,
Hawkins, O. S.
Johnson, J. H.,
Kingston,
Kent,
Lee,

Messrs.

Shroud,
Warnick,
White,
Walker,
Wright,
The Speaker.

Messrs.

McLeod,
Marshall,
Miller,
Nunn,
Rawlins,
Robinson,
Spears,
Stephenson,
Shepherson,
Sumpter,
Thurman,
Thornburg,

So the motion was laid on the table.

Mr. Cobell at 2 o'clock and 15 minutes P. M. moved that the House adjourn.

Which was not agreed to.

Mr. J. H. Johnson gave notice that he would move to reconsider the vote by which the House laid on the table the motion that any member who shall hereafter be absent from the House at two successive roll calls, unless excused, shall forfeit and pay to the state the sum of six dollars for each offence

Mr. Stone introduced a bill (H. R. 293) entitled An act to regulate the printing of school laws, blanks and orders.

Which was read a first time.

Mr. Kingston moved that the bill be rejected.

Which was not agreed to.

Under a suspension of the rules.

The bill was read a second time by title, and On motion of Mr. Cobell,

Was referred to the Committee on Public Printing.

Mr. J. H. Berry moved that the House take a recess until 3 o'clock and 20 minutes P.M.

Mr. Cobell moved as an amendment that the House take a recess until 7 o'clock and 30 minutes P.M.

Mr. Stewart at 2 o'clock and 20 minutes P.M. moved that the House adjourn.

Which was not agreed to.

The question then recurring on the motion that the House take a recess until 7 o'clock and 30 minutes P.M.

It was not agreed to.

The question then recurring on the motion that the House take a recess until 3 o'clock and 20 minutes P.M.

It was not agreed to.

Mr. Chaplin introduced a joint resolution (H. J. Res. 24) a joint resolution proposing an amendment to the constitution for the protection of the women of the state of Arkansas.

Which was read a first time.

Mr. Shepperson moved that the joint resolution be laid on the table.

Pending which.

On motion of Mr. Reid.

The House at 2 o'clock and 25 minutes. P.M. adjourned.

Approved

Speaker.

Attest

Clerk.

Tuesday, March 25, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. C. C. Berry, J. H. Berry, Neal Brown, Chas. F. Brown, Beasley, Briden, Thal. Chaplin, Cleveland, Cobb, Copeland, Chandler, Chapman, Crawley, Cate, Cunningham, Davis, Erwin, Eagle, Fox, Foster, Gist, Gilbreath, Gossett, O. S. Hawkins, Mower Hawkins, Davis, Harley, Joslyn, Adam Johnson, J. H. Johnson, Kirkpatrick, Kelt, Lee, Lynn, Latta, Orr, Murphy, McClure,

Marshall, McGehee, Miller, McVeigh, Matheny, Newman, Page, Pindall, Rankins, Reid, Robertson, Robinson, Sayler, Shipley, Shappard, Speaks, Stephenson, Shepherd, Stagg, Sumpter, Stewart, Turner, Thomas, Thornton, Thornburg, Wheat, Walker, Wright, The Speaker.

Prayer by the Chaplain.

The journal of Monday was read and approved.

The hour of 10 o'clock and 20 minutes A.M. having arrived, being the hour set for the consideration of the bill of the House (H.R. 236) entitled An act to create the county of Howard,

On motion of Mr. Shepherd,

The consideration of the special order was postponed until the consideration of the business under the order of introduction of bills be disposed of.

Mr. Gatts from the select committee instructed to report such measures as will reduce the expenses and improve the financial condition of the state, introduced a bill, together with a favorable report thereon (H.R. 294) entitled An act to prevent the expenditure of the public funds of the state by unlimited appropriations.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title and

On motion of Mr. Gatts

Ordered, That one hundred and fifty copies be printed for the use of the House and that the consideration of the bill be made special order for 11 o'clock A.M. of Wednesday, March 26, 1873.

Pending which,

The hour of 10 o'clock and 30 minutes A.M. having arrived, being the hour set for the consideration of the bill of the Senate (S. 101) entitled An act relating to and authorizing certain proceedings of the Board of Trustees of the Arkansas Industrial University,

On motion of Mr. Cottell,

The consideration of the special order was postponed until the consideration of the business here to fore next to the clerk's desk under

order of introduction of bills be dispensed of.

Mr. Cate, also, from the same committee, introduced a bill, together with favorable report thereon (H. R. 306) entitled An act to regulate the payment of Auditors Warrants.

Mr. J. H. Berry, from the same committee submitted the following minority report thereon, viz:-

Mr. Speaker:- The undersigned a minority of your special committee of twelve appointed to take into consideration, and report such bills as would improve the financial condition of the state and restore the state credit, begs leave to state,

That he can not give his assent to or support, the bill reported by a majority of the committee entitled An act to regulate payment of Auditors warrants, for the reasons that he can see no good that will accrue to the people of the state by the passage of the bill, and he bid opinion the only effect of the bill will be to increase the price of outstanding certificates, thereby benefitting parties who have purchased the same at a reduced price, and making it an additional burthen upon the people to pay taxes, inasmuch as they can now purchase state scrip for one half of its face value, and another reason why said bill should not pass, is that there is no money in the treasury to pay Auditors warrants that might hereafter be issued, and it is unjust that the state should refuse to receive her own paper, for taxes due the state, and the minority of your committee is therefore of the opinion that the only means to restore the credit of the state and save us from bankruptcy is the reduction of expenditures and a rigid economy in the administration of the government of the state,

Mr. Reid moved that the majority report of the committee be received.

After debate

The hour of 11 o'clock A.M. having arrived. being the hour set for the consideration of the bill of the House (H.R. 255) entitled An act to define the boundary line between the counties of Clark and Pike.

On motion of Mr. Latta

The consideration of the special order was postponed. until the consideration of the business hereto fore sent to the clerk's desk under the order of the introduction of bills be disposed of.

A message from his Excellency the Governor by Mr. McCaleary his private secretary, who by unanimous consent read the same as follows, viz:-

Executive Department, Arkansas.
Little Rock, March 24, 1873.
To the House of Representatives of Arkansas.
Gentlemen: I have signed and approved House Bill entitled An act to create the county of Baxter and for other purposes. which is herewith returned

Elisha Baxter.
Governor of Arkansas.

The House having resumed consideration of the motion that the majority report of the committee be received.

After debate.

The hour of 11 o'clock and 30 minutes A.M. having arrived, being the hour set for the consideration of the joint resolution of the House, (H.R. Res. 20) a joint resolution entitled "proposed amendment to the constitution which if adopted shall be entitled and known as section 3 article 7.

On motion of Mr. Latta

The consideration of the special order was postponed for 30 minutes.

The House, having resumed consideration of the motion that the majority report of the select committee be received,

After debate,

Mr. J. M. Johnson moved the previous question which was seconded and under the operation thereof the motion was agreed to.

Then.

By unanimous consent,

under a suspension of the rules.

The bill was read a first and second time by title, and,

On motion of Mr. J. H. Johnson,

Ordered. That the bill lie on the table subject to the call of the House, and that one hundred and fifty copies be printed for the use of the House.

Mr. Bate also, from the same committee, to whom was referred the bill of the House (H. R. 268) entitled An act to protect the credit of the state, reported the same with the recommendation that the bill be not passed.

On motion of Mr. J. H. Johnson

The House resolved itself into the Committee of the Whole House for the further consideration of the bill of the House (H. R. 276) entitled An act to provide for the leasing and management of the state penitentiary.

After some time spent therein

The Speaker resumed the chair.

And

Mr. J. H. Johnson reported that the committee having according to order had under consideration the bill of the House (H. R. 276) entitled An act to provide for the leasing and management of the state penitentiary, had considered the same and reported the bill with the recommendation that it be not passed.

A message from the Senate by Mr. Orrick their Secretary, viz:-

Senate Chamber, March 25, 1873.

Mr. Speaker:- I am instructed by the Senate to inform your honorable body of the passage by the Senate of (S. B. No 140) Entitled An act to organize and establish the county of Garland, and for other purposes. and herewith transmit the same for your favorable consideration.

By unanimous consent,

On motion of Mr. Thynne,

The House proceed to the consideration of the bill last reported by the select committee

instructed to report such measures as will reduce the expenses and improve the financial condition of the state (H. R. 277) entitled An act to provide for the keeping and management of the state penitentiary.

Which was read a first time
By unanimous consent,
Under a suspension of the rules,
The bill was read a second time, by title.

Mr. Steele moved that one hundred and fifty copies be ordered printed for the use of the House and the consideration of the bill be postponed and be made special order for 7 o'clock and 30 minutes P.M.

Mr. Sherman moved as an amendment that the consideration of the bill be made special order for 12 o'clock M. of Thursday, March 27, 1873.

Which was agreed to.

The motion as amended was then adopted.

The House proceeded to consider the bill heretofore sent to the clerks desk by Mr. Beasley (H. R. 295) entitled An act to change and define the line between the counties of Lincoln and Columbia,

Which was read a first time.

Mr. Coit moved that the bill be rejected.

After debate

Mr. Shepherd moved the previous question which was seconded and under the operation thereof the motion was carried to and the bill was accordingly rejected.

On motion of Mr. Bridenthal,

The House proceeded to consider the special message from the Governor transmitting a communication from the superintendent of the state penitentiary, and recommending the adoption of measures to relieve the sanitary condition of the convicts confined in the state penitentiary.

Under a suspension of the rules for that purpose.

Mr. Bridenthal introduced a bill (H. R. 306) entitled An act to relieve the present distress of the convicts in the state penitentiary.

Which was read a first time,
By unanimous consent,
Under a suspension of the rules

The bill was read a second time by title.
After debate.
No objection being offered.
Mr. Bridenthal withdrew the bill.
Mr. Barber at 2 o'clock and 45 minutes P.M. moved that the House adjourn.
Which was not agreed to.
Under a suspension of the rules for that purpose,
Mr. Bridenthal introduced a joint resolution (H. J. Res. 25) a joint resolution instructing the Auditor to issue warrant on vouchers for expense of sustenance for convicts in the penitentiary.
Which was read a first time.
By unanimous consent,
Under a suspension of the rules,
The joint resolution was read a second time,
Mr. Barber moved that the joint resolution be referred to the Committee on the Judiciary.
After discussion,
Mr. Neal Brown moved the previous question which was seconded and under the operation thereof the motion was disagreed to.
Mr. Hembury submitted a substitute for the pending joint resolution entitled a joint resolution instructing the Auditor to audit the accounts of the superintendent of the state penitentiary.
Mr. Cunningham moved that the joint resolution recommended as a substitute be amended by striking out the words "until otherwise provided by law" and inserting in lieu thereof "for thirty days".
After debate,
Mr. Furbush moved the previous question, which was seconded, and under the operation thereof the motion was disagreed to.
The question then being on the motion that the substitute be adopted in lieu of the original resolution,
The motion was agreed to.
And,
On motion of Mr. Furbush,
The rules were further suspended (two-thirds

of the members present voting therefor, and
The joint resolution was read a third time and placed upon its passage.
Mr. Purdush moved the previous question, which was seconded, and the main question ordered, viz:- Shall the joint resolution pass?
The question being put,
It was decided in the affirmative, - yeas 50, nays 9, not voting 23.
Those who voted in the affirmative are:-

Messrs:-	Messrs.
Berry, G. E.	Kent,
Berry, J. H.	Lee
Beasley,	Latta,
Bridekirk	Murphy, Wm.
Chapline,	McClellan,
Corbell,	Matheny,
Cleveland,	Nymd,
Copeland,	Page,
Chandler,	Preston,
Chapman,	Parrish,
Crowley,	Rawlins,
Davis,	Reed,
Fox,	Robertson,
Purdush,	Robinson,
Foster,	Sykes,
Gist,	Stephenson,
Gilbreath,	Shepherd,
Jarrett,	Strong,
Hawkins, A. M.	Sumpter,
Hawkins, O. S.	Stewart,
Hawkins, Messrs	Thomason,
Harris,	Thornburg,
Harley,	Walker,
Jarboe,	Wright,
Johnson, J. A.	The Speaker.

Those who voted in the negative are:-

Messrs. Brown	Messrs.
Brown, Chas. S.	Murphy, J. M.
Cunningham,	Pindall,
Durrett,	Shrigley,
Doyle,	Thurston,

Those absent or not voting are:-

Messrs.

Beardsley
Ezell,
Cate,
Guzman,
Hynds,
Johnson, Adam
Joyner,
Kingston,
Lynn
McLeod,
Marshall,
Merritt,

Messrs.

Millen,
Medaugh,
Mitchell,
Sayber,
Shappard,
Turner,
Villines,
Warnock
White,
Wheat,
Williams,

So the joint resolution was passed

Pending the vote,

Mr. Charles E. Bunn (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:

Mr. Speaker:- I hope that this bill will not pass. In the condition that it is gotten up, it will bring a hardship upon the tax-payers of the state of Arkansas, and it will cause their families to suffer for the means to support their families for the next 10 or 15 years I vote no.

Mr. Cunningham (when his name was called) sent to the clerks desk the following explanation of his vote, viz:-

Mr. Speaker: I vote against this resolution because it may cause and will cause a loss to the state of three or four hundred thousand dollars if the Legislature fail to pass a bill to cure the penitentiary.

Mr. Dunn (when his name was called) sent to the clerk's desk the following explanation of his vote viz:-

Mr. Speaker: My reasons for voting against this resolution is because it does not limit the amount to be certified and it may work a serious injury to the state.

Mr. Reid, when his name was called, sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker; In voting for this resolution I desire to say I am opposed to any appropriation unlimited, but believing we will have a bill at an early day which will obviate the necessity of the resolution I vote aye.

The vote was then announced as above.

Under a suspension of the rules for that purpose. Mr. Chapman introduced a bill (H.R. 307) entitled An act supplemental to an act to create the county of Baxter, approved March 24, 1873.

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title.

On motion of Mr. J. H. Berry,

The rules were further suspended by unanimous consent, and

The bill was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative:- yeas 52, nays none, not voting 30.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Berry, J. H.
Bynum, Neal
Bynum, Chas. F.
Bearley,
Corbell,
Cleveland,
Copeland,
Chandler,
Chapman,
Crowley,
Cunningham,
Dunn,
Eagle,
Ft,
Faubush,
Gist,
Gilbreath,
Gossett,
Joyner,
Kent,
Lee,
Latta
Murphy, J. H.
Murphy, Wm.
McGehee,
Matheny,
Norwood,
Pindall,
Parish,
Rowlins,
Reid,
Robinson,
Shipley,
Speaks
Stephenson,
Shepperson,
Strong,

Messrs.

Hawkins. O. S.
Hawkins. Mason
Hays.
Harley
Jolyn.
Johnson. Adam
Johnson. J. H.

Messrs.

Saunders.
Stewart.
Stevenson.
Stanbury.
Warnock.
Walker.
The Speaker.

Nine voting in the negative.

There absent or not voting are:-

Messrs.

Beardsley.
Bridenthal.
Chapline.
Cox
Cate.
Dare.
Foster.
Grimm.
Hawkins. A. Mc.
Hoyds
Kingston.
Lynn.
McLeod.
Marshall.
Merritt.

Messrs.

Miller.
Mecklenburg.
Mitchell.
Page.
Preston.
Robertson.
Saben.
Sheppard.
Turner.
Thorn.
Tillar
White.
Wheat.
Williams.
Wright.

So the bill was passed.

And then,

On motion of Mr. J. H. Johnson
The House, at 3 o'clock and 30 minutes
P. M., adjourned.

Attest

Speaker.

Clerk.

Wednesday, March 26, 1873.

The roll being called it appeared that the following named members were present and answered to their names. 53:-

Messrs. J. H. Bizzy, Seal, Brown, Chas. E. Brown, Beardsley, Bridenthal, Chapline,

Corbell, Cleveland, Chandler, Chapman, Crawley, Cate, Cunningham, Crain, Eagle, Fox, Furbush, Foster, Gist, Gilbreath, Garrett, Harris, Hanley, Ingram, Knaptun, Kent, Lee, Latta, Memphy, Mn. McCord, Marshall, McCleher, Meeuth, McCreigh, Matheny, Miller, Nunn, Page, Pilcton, Pindall, Parish, Reid, Robertson, Sarber, Spears, Stephenson, Shipp, Shumpter, Stewart, Turner, Thomas, Thompson, Tillar, Warnick, Walker, Williams, Wright, The Speaker.

Prayer by the Chaplain.

The journal of Tuesday was read and approved.

On motion of Mr. Cleveland.

Leave of absence was granted Rev. J. B. Ford chaplain for the House, for 10 days.

On motion of Mr. Charles F. Brown.

Leave of absence was granted Mr. Adams Johnson for 4 days.

Under the rule,

On motion of Mr. Bridenthal

The House proceeded to consider the bill of the Senate, (S101) entitled An act relating to and authorizing certain proceedings of the Board of Trustees of the Arkansas Industrial University,"

Which was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative, — yeas 48, nays 3, not voting 31.

Those who voted in the affirmative are:-

Messrs.

Berry, J. M.
Bynum, Neal
Brown, Chas. F.
Bridenthal
Chapline,
Corbell,
Cleveland,
Chandler,
Cunningham,
Crain,
Eagle,

Messrs.

McCleigh,
Matheny,
Nunn,
Page,
Pilcton,
Pindall,
Rankins,
Reid,
Robertson,
Robinson,
Shipley,

Messrs.

Ingraham,
Foster,
Gilbreath,
Gorrell,
Hankins, Messrs
Harris,
Hanley,
Johnson, J. A.
Joynes,
Murphy, Wm.
Marshall,
Merritt,
Mollen,

Messrs.

Shapleigh,
Speers,
Stephenson,
Shepherson,
Stong,
Stewart,
Thomas,
Thompson,
Trumbull,
Wanwick,
White,
Walker,
Wright,

Those who voted in the negative are:-

Messrs.

Kent,
Parish,

Messrs.

The Speaker.

Those absent or not voting are:-

Messrs.

Berry, G. E.
Betterley,
Beasley,
Bott,
Copeland,
Chapman,
Crumley,
Cate,
Dare,
Fox,
Gist,
Gibson,
Hankins, A. A.
Hankins, O. S.
Hynds,
Ireland,

Messrs.

Johnson, Adam
Kingston,
Lee,
Lynn,
Latta,
Memphis, J. A.
Mc Leod,
Mc Kenzie,
Mitchell,
Saber,
Semples,
Simmes,
Tillar,
Wheat,
Williams,

So the bill was passed

The hour of 1 o'clock and 30 minutes A. M. having arrived,

The House proceeded to consider the special order set for that hour, being the consideration of the bill of the House (H. R. 265)

entitled An act to authorize incorporated gas companies to increase the amount of their capital stock.

Which was read a third time and placed upon its passage.

Mr. Ennis moved the previous question, which was seconded, and the main question stated, viz:- Shall the bill pass?

The question being put,

It was decided in the affirmative,- yeas 57, nays 1, not voting 24.

Those who voted in the affirmative are:-

Messrs.

Berry, G. E.
Berry, J. H.
Brown, Neal
Brown, Chas. F.
Brideaubah,
Chapline,
Cobell,
Cleveland,
Cort,
Copeland,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham,
Ennis,
Eagle,
Fox,
Furbush,
Forter,
Gist,
Gilbraith,
Gorsett,
Hawkins, Mason,
Harris,
Hanley,
Johnson, J. H.
Kent,
Lee,

Messrs.

Murphy, Wm.
McLeod,
Marshall,
Merritt,
Millen,
McVeigh,
Matheny,
Nunn,
Page,
Preston,
Pindall,
Parrish,
Reid,
Robertson,
Robinson,
Sarber,
Shrigley,
Speaks,
Stephenson,
Shepherson,
Strong,
Stuart,
Thompson,
Thornbury,
Warwick,
White,
Walker,
The Speaker,

Voting in the negative:-

Mr. Sheppard
Those about or not voting are:-

Noes.

Beardsley.
Beasley.
Davis.
Dyer.
Hawkins. A. M.
Hawkins. O. S.
Hynds.
Isbell.
Johnson. Adam
Joyner.
Kingston.
Lynn.

Latta.
Murphy. L. M.
Nedgehee.
Mitchell.
Rankins.
Sumpter.
Turner.
Thurman.
Tillar.
Wheat.
Williams.
Wright.

So the bill was passed.

On motion of Mr. Miller.

The House proceeded to consider the bill of the Senate (S. 124) entitled An act to legalize certain acts of the clerks of the probate courts of the several counties in the state of Arkansas and for other purposes.

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title.

Mr. Pindall moved that the bill be referred to the Committee on the Judiciary.

Mr. Miller moved as a substitute that the bill lie on the table and be made special order for 12 o'clock M. of Thursday March 27, 1873.

Which latter motion was agreed to.

On motion of Mr. Turner.

The House proceeded to consider the bill of the Senate (S. 29) entitled An act to establish a board of supervisors in each county in the state and define their jurisdiction.

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title.

On motion of Mr. Warnock,

The bill was amended by striking out, in section 3, the word "April" and inserting in lieu thereof the word "May."

On motion of Mr. Maurice.

The bill was further amended by striking out in section 8, the words "Shall commence on the first Monday in January and July in each year" and inserting in lieu thereof the words "Shall commence on the first Monday in January, April, July, and October in each year."

On motion of Mr. Maurice.

The bill was further amended by striking out in section 10, last line, the word "court", and inserting in lieu thereof the words "Provided, that each board may procure a seal to be styled the seal of — county."

Pending the further consideration of the bill.

The hour of 11 o'clock A.M. having arrived, being the hour set for the consideration of the bill of the House (H.R. 294) entitled An act to prevent the expenditure of the public funds by the state by unlimited appropriations.

On motion of Mr. Cottell.

The consideration of the special order was postponed until the consideration of the pending bill be disposed of.

Then,

Mr. J. H. Berry moved that the bill be further amended by striking out wherever they occur in the bill the words "appointed by the Governor" and inserting in lieu thereof the words "shall be elected by the people upon a day to be designated by the Governor giving 30 days previous notice"

After debate,

Mr. J. H. Johnson moved the previous question which was seconded and the main question ordered, viz:— Shall the amendment be agreed to?—

Mr. Pindall asked for the yeas and nays.

The question being put

It was decided in the negative,— yeas 30, nays 42.

The yeas and nays being desired by five members.

Those who voted in the affirmative are:—

Messrs.

Beyn. J. D.
Bynum. Chas. F.
Burley.
Brudenthal,
Chandler
Chapman.
Crowley.
Cate.
Cunningham.
Dunn.
Eagle.
Fairbush.
Fowler,
Gest.
Gorsett,

Messrs.

Hayley.
Latta.
Merritt.
McNairy.
Matheny.
Pegram.
Pindell.
Parrish.
Reid.
Robertson.
Sumpter.
Thorne.
Thomas.
Tunbury.
Waddell
Wright

Those who voted in the negative are:—

Messrs.

Berry. E. E.
Brown. Neal
Chapline.
Corbell.
Cleveland.
Cox.
Dancy.
Fox.
Gilbreath.
Hankins. A. M.
Hankins. O. S.
Hankins. Mercer
Harris.
Jordyn.
Johnson. J. D.
Joyner.
Kingston.
Kent.
Lee.
Murphy. J. M.

Messrs.

Murphy. Wm.
McLeod.
Marshall.
Mackelvee.
Miller.
Nunn.
Paige.
Rawlins.
Robinson.
Sinbee.
Shipley.
Shepperd.
Speas.
Stephenson.
Shepperson.
Sloan.
Stewart.
Turner.
Warwick.
White.
The Speaker.

So the Amendment was not agreed to.

Pending the vote.

Mr. Shepherson (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker:- In explanation of my vote, I wish to say that I oppose the election of county supervisors at this time as we already have an election law, and further the county has just been turned upside down because of late election &c. and we have not as yet recovered from those enactments. & therefore am clearly of the opinion that it is unwise under the existing circumstances to have an election all over this state. I am in favor of the people electing their own officers but am satisfied that the unsettled state of affairs in our government at this time do not and would not warrant such an election. I however hope that the Governor will appoint citizens of the counties to fill such offices and none other.

The vote was then announced as above.

Mr. Sumpter moved that the bill be further amended by adding to section 27 the following proviso, viz:-

"Provided, That where the county is interested in the finding or judgment of the supervisors any citizen thereof shall have the right to appeal as in this section provides on behalf and in the interest of the county;

Mr. Cumming then moved as a substitute that the bill be amended by inserting the following section, viz:-

Sec. - All claims against the county filed over the amount of ten dollars, shall lie over until the next term and the clerk shall post up securely on the court house door a list of all claims over ten dollars filed at the preceding term, immediately after the adjournment of such term giving the amount of claim, amount and nature of the claim, and at the term succeeding the board of supervisors shall take up such claims in the order in which they are filed, and cause proclamation to be made at the court house door immediately before taking up any such claim.

stating the style of the cause; and it shall be competent for any tax-payer of any county to come in and make himself a party and resist such claim, and appeal therefrom to the circuit court and from thence to the Supreme Court in the same time and on the same terms as any other litigant be becoming liable for cost as other litigants

After debate,

Mr. Corbell moved the previous question which was seconded and under the operation thereof the substitute motion was disagreed to.

The question then recurring on the original motion,

Mr. Turner moved that the motion be rejected, and

Also moved the previous question, which was seconded and the main question ordered, viz:- Shall the motion be rejected?

Mr. Sumpter asked for the yeas and nays.

The question being put.

It was decided in the affirmative, — yeas 40, nays 31,

The yeas and nays being desired by five members,

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Bohm, Seal
Bonn, Chas. F.
Chapline,
Corbell,
Cleveland,
Cort,
Copeland,
Davis,
Fox,
Funkhouser,
Hawkins, A. M.
Hawkins, O. S.
Hawkins, Thomas,

Messrs.

Murphy, Jno.
McCord,
Marshall,
Millen,
Nunn,
Page,
Rankin,
Robinson,
Sarber,
Shirley,
Sheppard,
Spears,
Stephenson,
Shepperson,

Messrs.

Joslyn,
Johnson, J. H.
Kingston,
Kent,
Lee.
Memphy, J. M.

Messrs.

Sharp,
Stewart,
Turner,
Warnick,
White,
The Speaker.

There who voted in the negative are:-

Messrs.

Berry, J. H.
Bewley,
Bridenthal,
Chandler,
Chapman,
Cowley,
Cate,
Cunningham,
Ennis,
Eagle,
Fiske,
Gist,
Gilbreath,
Garrett,
Harris,
Hanley,

Messrs.

McCutchen,
Merritt,
McVaugh,
Mahoney,
Preston,
Pindall,
Parrish,
Reid,
Robertson,
Sampkins,
Shannon,
Thurman,
Thornbury,
Walker,
Wright,

So the motion was rejected.

Then

On motion of Mr. Turner,

Ordered That the bill lie on the tableand be made special order for a third reading at 11 o'clock A. M. on the morrow.

On motion of Mr. Turner,

The consideration of the special order postponed pending the consideration of the above bill was further postponed until 1 o'clock P. M.,

On motion of Mr. White,

The House proceeded to consider the bill of the Senate (S. 64) entitled An act to compensate certain attorneys at law for certain legal services,

Pending which,

The hour of 12 o'clock M. having ar-

mind, being the hour set for the consideration of the bill of the House (H. R. 107) entitled An act authorizing school districts, organized under an act entitled an act for the better regulation of public schools in cities and towns, to issue bonds for building school houses, and for other purposes, and also the bill of the Senate (S. 25) entitled An act to authorize certain school districts to borrow money to build and repair school-houses.

On motion of Mr. Moiles,

The consideration of the special order was postponed for 30 minutes.

The House resumed consideration of the bill of the Senate (S. 64) entitled An act to compensate attorneys at law for certain legal services.

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title, and

On motion of Mr. G. E. Berry,

Was referred to the Committee of Ways and Means.

On motion of Mr. Thurm,

The House proceeded to consider the bill of the Senate (S. 140) entitled An act to establish and organize the county of Garland and for other purposes.

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title, and

On motion of Mr. Thurm,

Was referred to the Committee on Counties and County Lines.

By unanimous consent,

Mr. Sumpter presented several petitions from the citizens of Hot Spring for the formation of the county of Garland.

Which,

Were referred to the Committee on Counties and County Lines.

A message from the Senate by

Mr. Quick their secretary, viz:-

Senate Chamber, March 26, 1873.

Mr. Speaker:- I am instructed by the Senate to inform your honorable body of the passage by the Senate of S. B. (No 147) entitled An act to define the boundary lines between Sabine and Pulaski counties and for other purposes. also, of the passage by the Senate of (S. B. No. 138) entitled "An act to be entitled an act to regulate the practice in the Supreme court of appeals, writs of error and herewith transmit the same for your favorable consideration

On motion of Mr. Kingston,

The House proceeded to consider the substitute for the bills of the Senate. (Sub. S. 44,54) entitled An act for the assignment and enforcement of liens of vendors and landlords.

Which was read a second time.

Mr. Kingston submitted a bill as a substitute therefor entitled An act for the assignment of vendors and landlords liens in the courts of this state.

The substitute was adopted, and

On motion of Mr. Kingston.

Was referred to the Committee on the Judiciary.

By unanimous consent.

Mr. Jorgenson introduced a bill (H. R. 308) entitled An act to abolish the office of tax assessor in certain counties, and for other purposes.

Which was read a first time.

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title, and,

On motion of Mr. Kingston,

Was referred to the Committee on the Judiciary,

Under a suspension of the rules for that purpose.

Mr. C. E. Berry, from the Committee on Counties and County Lines to, whom was recommitted the bill of the House (H. R. 226) entitled An act to create the county of Coolidge and for other purposes.

reported the same and recommended the bill be amended by striking out section 21, and inserting in lieu thereof the following section, viz:-

Sec. 21. That all that portion of territory included within the following boundaries, viz:- beginning at the south west corner of section thirty one township four north range six east running east to the south east corner of section thirty three township four north range six east; thence north with township lines to north east corner of section 13, township six north range six east thence to the north east corner of section 13, township six north range six east, thence south with township lines to the south west corner of section 31 township four north range six east, shall hereafter be known as and be a part of St. Francis county.

On motion of Sen. Pindall,

The report of the committee was adopted and the amendment was accordingly agreed to.

Under a suspension of the rules for that purpose,

Sen. McGehee, from the Committee on Education, to which was referred the bill of the House (H. R. 259) entitled An act to establish a state library, reported the same and recommended its passage,

Also, from the same committee to which was referred the bill of the House (H. R. 257) entitled An act to afford relief in certain cases to parties who may have bought any of the common school lands, and for other purposes, reported the same and recommended its passage.

Also, from the same committee to whom was referred the bill of the House (H. R. 260) entitled An act to prohibit the sale of intoxicating liquors within two miles of La Grange Male and Female Academy in Lee County,

reported the same and recommended its passage.

On motion of Mr. Forter,

Ordered, That the bill last reported being printed for a third reading and be made special order for 12 o'clock M. on the morrow,

Mr. Purbush moved that the rules be suspended and that the House pass to the consideration of the bill of the House (H.R. 226) entitled An act to create the county of Coolidge and for other purposes.

Which was not agreed to, (two-thirds of the members present not voting therefor).

On motion of Mr. Turner,

The House proceeded to consider the bill of the Senate (S. 90) entitled An act for the relief of the state guards, and for other purposes,

Which was read a second time,

And,

On motion of Mr. Turner.

Was referred to the Committee on Public Expenditures.

The hour of 12 o'clock and 30 minutes P.M. having arrived being the hour to which the consideration of the special order set for 12 o'clock M. was postponed.

Mr. Engle moved that the consideration of the special order be postponed for 15 minutes,

Which was not agreed to

Then,

The House proceeded to consider the special order, being the consideration of the bill of the Senate (S 25) entitled An act to authorize certain school districts to borrow money to build and repair school houses, and, also, the bill of the House (H.R. 107) entitled An act authorizing school districts organized under an act entitled an act for the better regulation of schools in cities and towns to issue bonds for building school houses, and for other purposes.

Which latter bill was read a third time,

Mr. Millen moved that the bill be placed upon its passage,

Mr. Travers moved as a substitute that the further consideration of the bill be indefinitely postponed.

Pending the consideration of the motion,

A message from the Senate by Mr. Orrick their secretary, viz:-

Senate Chamber March 26, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body, of the passage by the Senate of S.B. No 981 entitled A bill to be entitled an act for the purchase of books &c for the blind from the American Printing House for the blind or any similar institution in the United States of America, and herewith transmit the same.

Mr. Chapline moved that the House take a recess until 3 o'clock P.M.

Mr. J.M. Murphy moved as a substitute that the House take a recess until 7 o'clock and 30 minutes P.M.

Mr. Reid at 12 o'clock and 53 minutes P.M. moved that the House adjourn.

Which was not agreed to.

The question recurring on the motion that the House take a recess until 7 o'clock and 30 minutes P.M.

It was not agreed to,

The question then recurring on the motion that the House take a recess until 3 o'clock P.M.,

It was agreed to,

And,

The House accordingly at 12 o'clock and 56 minutes P.M took a recess until 3 o'clock P.M.

After the recess.

The House met at 3 o'clock P.M.

The roll being called it appeared that the following named persons are present and answered to their names, viz:-

Messrs. B.E. Bery, J.O. Bery, Chas. F. Bunn, Beasley, Bridenthal, Corbett, Cleveland, Cut. Copeland, Chandler, Chapman, Crowley, Cate, Cunningham, Dane, Ennis, Eagle, Fox, Gist, Gilbreath, Gorsett, Hayes, Harley, Irelyn, J.M. Johnson, Joyce, Lee, Lynn, Latta, Merritt, Mullen, McCleigh, Matheny, Mitchell, Nunn, Preston, Pindall, Reid, Robertson, Shingley,

Shapland, Spears, Stephenson, Strong, Stewart, Thurney, Thurman, Thornbury, White, Walker, Wright the Speaker,

The House resumed consideration of the bill of the House (No. R. 107) entitled An act authorizing school districts organized under an act entitled an act for the better regulation of schools in cities and towns, to issue bonds for building school houses, and for other purposes, together with the pending motion that the further consideration of the bill be indefinitely postponed.

After debate,

Mr. Barker moved the previous question which was seconded and the main question ordered, viz:- Shall the further consideration of the bill be indefinitely postponed?

No objection being offered,

Mr. Thurman withdrew the motion.

The question then being on the motion that the bill be placed upon its passage,

After debate,

Mr. Shepherson moved the previous question which was seconded and under the operation thereof the bill was placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative, - yeas 39, nays 30, not voting 13.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Brown, Chas. F.
Chapline,
Cox, L. L.,
Cleveland
Coit,
Critchfield,
Davis,
Fox,
Hawkins, A. M.
Hawkins, O. S.
Hawkins, Thomas
Hays,
Marshall,
Mayhew,
Merritt,
Mullen,
Page,
Sayres,
Robinson,
Barker,
Shipley,
Shipbaugh,
Spears,
Stephenson,
Shepherson,

Messrs.

Lodge,
Johnson, J. M.
Kingston,
Kent,
Lee
Murphy, J. M.
Murphy, Wm.

Those who voted in the negative are:-

Messrs.

Sunny,
Stewart,
Turner,
Warnock,
White,
The Speaker.

Messrs.

Berry, J. M.
Beasley,
Bickenthal,
Chandler,
Chapman,
Crosby,
Cate,
Cunningham,
Ennis,
Eagle,
Gist,
Gilbreath,
Garrett,
Hanley,
Haynes,

Messrs.

Lynch,
Latta,
McLeod,
McHugh,
Mauldin,
Preston,
Prendall,
Sanders,
Reid,
Sumpter,
Thomas,
Thurmond,
Tillman,
Walker,
Wright,

Those absent or not voting are:-

Messrs.

Beardsley,
Brown, Neal
Bushnell,
Carter,
Grissom,
Hynds,
Johnson, Adam

Messrs.

Mitchell,
Nance,
Robertson,
Tillman,
Wheat,
Williams.

So the bill was passed

Mr. Mullin moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid upon the table; which latter motion was agreed to.

On motion of Mr. Sinker,

The House proceeded to consider the

substitute for the bill of the House (Sub. H.R. 117.) entitled An act making appropriations to pay members and officers of the General Assembly and the contingent expenses thereof.

Which was read a second time,

Mr. Chapline submitted a bill as a substitute therefor entitled An act making an appropriation to pay the officers, members and contingent expenses of the General Assembly, which convened on the fifth of January 1873.

Which was read a second time,

On motion of Mr. Turner,

Under the operation of the previous question, the rules were suspended (two-thirds of the members present voting therefor) and,

The bill was read a third time and placed upon its passage,

Mr. J. H. Johnson moved the previous question which was seconded and the main question ordered, viz:- Shall the bill pass?

The question being put,

It was decided in the affirmative,-yeas 44, nays 27, not voting 11,

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Brown, Neal,
Brown, Chas. F.
Bridenthal,
Chapline,
Corbell,
Cleveland,
Cort,
Copeland,
Crowley,
Cate,
Davis,
Fox,
Gist,
Gilbreath,
Hawkins, A. McC.
Hawkins, O. S.
Kent,
Lee,
Lynn,
Murphy, J. M.
Murphy, Wm.
Miller,
Mooney,
Parrish,
Rankins,
Robertson,
Robinson,
Sinker,
Shipley,
Shappard,
Speas,
Stephenson,
Stump,

Messrs.

Hinkins, Morris
Harris,
Jaclyn,
Johnson, J. H.
Joyner,

Messrs.

Stewart,
Turner,
Warwick,
White,
The Speaker,

Those who voted in the negative are:-

Messrs.

Berry, J. H.
Bigsley,
Chandler,
Chapman,
Cunningham,
Ennis,
Eagle,
Fairbush,
Gorell,
Harley,
Kingston,
Latta,
McLeod,
McAfee,

Messrs.

Merritt,
Matheny,
Page,
Preston,
Pigdall,
Reid,
Shepperson,
Sumpter,
Thorn,
Thornton,
Thornberry,
Walker,
Wright,

There absent or not voting are:

Messrs.

Beardsley,
Foster,
Grissom,
Hynds,
Johnson, Adam,
Marshall,
Mitchell,

Messrs.

Nunn,
Fillan,
Wheat,
Williams,

So the bill was passed.

Pending the vote,

Mr. Cunningham (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker; I vote against this bill because a legislature that cannot afford to set more than three hours per day and are that wholly fails to come to the relief of the people ought not to have any pay.

The vote was then announced as above.

Mr. Barber moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to;

Mr. Shuman at 4 o'clock and 20 minutes P.M. moved that the House adjourn.

Which was not agreed to.

On motion of Mr. Chapline.

The House proceeded to consider the joint resolution of the House (H. J. Res. 19) a joint resolution purporting to amend section 3 of article 7 of the constitution,

Which was read a third time and placed upon its passage.

Mr. J. H. Johnson moved the previous question which was seconded and the main question ordered, viz:- Shall the joint resolution pass?

The question being put,

It was decided in the affirmative,- yeas 67, nays 2, not entitled 13.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Berry, J. H.
Bohn, Neal,
Bonn, Chas. F.
Beardsley,
Brockinthal,
Chapline,
Cobell,
Copeland,
Cort,
Copeland,
Chandler,
Crowley,
Cunningham,
Davis,
Emmert,
Eagle,
Fitz,

Messrs.

Murphy, Wm.
McCord,
Marshall,
McClure,
Merritt,
Miller,
McVeigh,
Matheny,
Paige,
Preston,
Pindall,
Parrish,
Rankins,
Reid,
Robertson,
Robinson,
Barber,
Shrigley,

Messrs.

Hayduck,
Hill,
Holbrook,
Hosett,
Hunkins, A.M.
Hunkins, O.S.
Hunkins, Newman
Hynes,
Hurley,
Johnson of St. Mc,
Jones,
Kent,
Lee,
Lynn,
Lutts,
Murphy, J. M.c,

Messrs.

Shapleigh,
Stephenson,
Shepherson,
Strong,
Sundpter,
Stewart,
Turner,
Hymns,
Thurston,
Thornbury,
Wagnick.
White,
Walker,
Wright,
The Speaker,

Those who voted in the negative are:-

Messrs.

Kingston.

Messrs.

Sheus.

Those absent or not voting are:-

Messrs.

Beardsley,
Chapman,
Cate,
Fifield,
Gilman,
Hayes,
Holyoke,

Messrs.

Mayo, Adams
Mitchell,
Nunan,
Pillsbury,
Pickett,
Williams,

So the joint resolution was passed.

On motion of Mr. Hayduck.

The House proceeded to consider the joint resolution of the House (H. J. Res 20) a joint resolution entitled "proposed amendment to the constitution which if adopted shall be substituted for and known as section 3 of article 7.

Which was read a third time

Mr. Kingston moved that the joint resolution be rejected, and

Mr. moved the previous question question which was seconded, and under the operation thereof the motion was agreed to, and the joint

resolution was accordingly rejected,

Under a suspension of the rules for that purpose,

Mr. Kent gave notice of the introduction of proposed amendment to the constitution providing for a reduction of the members of the General Assembly to twenty-five in the Lower House and seven in the Upper.

On motion of Mr. J. H. Johnson,

The House proceeded to consider the bill of the House No. 2621 entitled "An act to provide for filling vacancies in certain cases, together with the pending amendment thereto, viz:— That section 1 be amended" by adding the following words, "Provided, if a vacancy occur more than six months before the expiration of the term of the office, the Governor shall order an election in said county to fill the vacancy and provided further, the Governor shall appoint officers to fill any vacancy that may exist in Polk county"

Mr. Sailer moved the previous question, which was seconded and the main question ordered, viz:— Shall the amendment be agreed to?

Mr. J. H. Berry asked for the yeas and nays.

The question being put,

It was decided in the negative,— yeas 21, nays 39,

The yeas and nays being demanded by five members,

Those who voted in the affirmative are:

Yeas,

Berry, J. H.
Bentley,
Cunningham,
Evans,
Eagle,
Galbraith,
Gossett,
Hanley,
Lewis,

Yeas,

Matheny,
Preston,
Pyrnish,
Reid,
Simpson,
Thomas,
Thompson,
Thornburg,
Wilcox,

Messrs. Latta, McKeigh.

Those who voted in the negative are:—

Messrs. Berry, C. E. Bohm, Saul Brown, Chas. F. Chapline, Corbell, Cleveland, Coit, Copeland, Chandler, Chapman, Dare, Grimm, Hankins, A. Mc. Hankins, O. S. Hankins, Mann Harris, Johnson, J. M. Kingston, Kent, Lee,

Messrs. Murphy, J. Mc. McLeod, Marshall, Mullen, Page, Rankins, Robinson, Sarber, Shrigley, Shapland, Speas, Stephenson, Shepherson, Spurr, Stewart, Turner, Warnick, White, The Speaker,

So the amendment was not agreed to.

Mr. Brown moved that the bill be amended by striking out in section 1. the words "unexpired term" and inserting in lieu thereof the words "to hold his office until the next general election, and until his successor is elected and qualified."

Mr. Turner moved that the motion be rejected, and

Also moved the previous question, which was seconded and under the operation thereof the motion was agreed to, and the amendment was accordingly rejected.

Then,

On motion of Mr. Kingston,

The bill was read a third time and placed upon its passage.

The question being put. Shall the bill pass?
It was decided in the affirmative, — yeas 41. nays 28 not voting 12.
Those who voted in the affirmative are:-

Messrs.

Berry, G. E.
Bynum, Neal
Bynum, Chas. F.
Chapline.
Cobell,
Cleveland,
Coit,
Cokeland.
Fox,
Frankish,
Hankins. A. M.
Hankins. O. S.
Hankins. Moses
Harris,
Jordyn,
Johnson. J. M.
Kingston.
Kent,
Lee,
Murphy. J. M.
Murphy, Wm.

Messrs.

McLeod.
Marshall,
McIntee.
Merritt,
Millen.
Page,
Rawlins.
Robinson.
Sarber,
Shrigley.
Shapland.
Spears,
Stephenson.
Shepperson.
Shirey.
Stewart,
Tunnell.

Wannick
White,
The Speaker

Those who voted in the negative are:

Messrs.

Berry, J. R.
Beazley,
Breidenthal
Chandler.
Chapman.
Crowley.
Cate,
Cunningham.
Ennis,
Engle,
Fitch,
Filbreath,
Liggett,
Hawley.

Messrs. Lynn.

Latta
McKeigh.
Maltbey.
Preston.
Pindall,
Parrish.
Reid.
Robertson.
Sumpter.
Thrasher,
Hyndman.
Thompson,
Walker,
Wright.

Those who were not voting are:-

Messrs.

Beardsley,
Dunn,
Foster,
Grissom,
Hynds,
Johnson, Adam,

Messrs.

Joynes,
Mitchell,
Nunn,
Tillar,
Wheat,
Williams.

So the bill was passed.

On motion of Mr. Trantham,

The House proceeded to consider the bill of the House (H.R. 226) entitled An act to create the county of Coolidge and for other purposes.

Pending the consideration of the bill.

On motion of Mr. Beardsley,

The House at 5 o'clock and 10 minutes, P. M., adjourned.

Approved

Speaker.

Attest

Clerk.

Thursday, March 27, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:—

Messrs. J. H. Berry, Neal Brown, Chas. F. Brown, Beardsley, Breckenridge, Christian, Cobell, Cleveland, Coit, Copeland, Chandler, Chapman, Crowley, Cate, Cunningham, Foster, Gist, Gilbreath, Gorrell, Henry Hopkins, Hinkley, Jaclyn, J. H. Johnson, Joynes, Kent, Jno. Murphy, McLeod, Marshall, Merritt, Miller, McIntosh, Matthews, Page, Preston, Pindall, Rawlings, Reid, Robertson, Robinson, Snider, Shipley, Sharpard, Shaw, Stephenson, Strong, Stewart, Turner, Thomas, Thrasher, Trantham, White, Walker, Wright, The Speaker.

Prayer by the Rev. Mr. Gillam,

The journal of Wednesday was read and approved.

On motion of Mr. Thrasher,

The House proceeded to consider the me-

mmial of the House (H. Mem. 9) a memorial to the Congress of the United States to restore the right of suffrage citizens of the state of Arkansas for lands of the state surveyed and marked off as a portion of the Indian Territory.

Which was read a third time, and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative, — yeas 66, nays none, not voting 16.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Berry, J. H.
Bunn, Asst
Bunn, Chas. F.
Beasley,
Chapline,
Corbell,
Cleveland,
Copeland,
Chandler,
Chapman,
Conley,
Cunningham,
Dane,
Ennis,
Eagle,
Fox,
Fairbank,
Foster,
Frost,
Gilreath,
Garrett,
Hankins, A. M.
Hankins, C. S.
Hanley,
Johnson,
Johnson, J. H.
Joynes,
Kingston,
Kent,
Lynn,

Murphy, Wm.
McLeod,
Marshall,
Merritt,
McClure,
McVeigh,
Matheny,
Nunn,
Paige,
Preston,
Pindall,
Parrish,
Rankins,
Reid,
Robertson,
Robinson,
Sarber,
Shingley,
Shappard,
Spears,
Stephenson,
Shepherd,
Sherry,
Sumpter,
Stewart,
Turner,
Thurman,
Thomason,
Thornburg,
White,
Walker,

Messrs.
Latta,
Murphy, J. M.
Stone (Wm.) in the negative,
Those absent or not voting are:-
Messrs.
Wright,
The Speaker,

Messrs.
Beardsley,
Brideathal
Cort,
Cate,
Grissom,
Hankins, Mann
Harris,
Hynds,
Johnson, Adam
Lee,
McGehee,
Mitchell,
Pillar,
Warwick,
Wheat,
Williams,

So the memorial was passed.

On motion of Mr. Trabue
The House proceeded to consider the bill of the House (H. R. 226) entitled An act to create the county of Coolidge and for other purposes.

Which was read a third time.

Pending the reading of the bill.

The hour of 11 o'clock A. M., having arrived, being the hour set for the consideration of several special orders,

On motion of Mr. Trabue,

The consideration of the special order was postponed for 30 minutes.

The reading of the bill being concluded.

The question being on the passage of the bill.

Mr. Trabue moved the previous question.

The question being put, Shall the main question be now put?

It was decided in the negative.

So the House refused to order the main question.

After debate,

The hour of 11 o'clock and 25 minutes A. M., having arrived.

The House proceeded to consider the special order set for that hour being the consideration of the bill of the Senate (S. 29) entitled An act to establish a board of supervisors in each county in the state

and define their jurisdiction.

Which was read a third time and placed upon its passage.

Mr. Mellen moved the previous question, which was seconded and the main question ordered viz:— Shall the bill pass?

The question being put,

It was decided in the affirmative,— yeas 56. nays 17, not voting 9.

Those who voted in the affirmative are:—

Messrs.

Berry, C. E.
Bixon, Neal
Bixon, Chas. F.
Bridenthal,
Chapline,
Corbell,
Cleveland,
Coit,
Copeland,
Cunningham,
Davis,
Fox,
Fleming,
Fritz,
Gilruth,
Garrett,
Gleason,
Hawkins, A. M.
Hawkins, O. S.
Hawkins, Moses
Harris,
Irelyn,
Johnson, J. M.
Joynes,
Kingston,
Kent,
Lee,
Lynn,

Messrs.

Latta,
Murphy, J. M.
Murphy, Wm.
McCord,
Marshall,
McAfee,
Merritt,
Mellen,
McKeigh,
Nunn,
Page,
Rawlins,
Robinson,
Sarber,
Shipley,
Shepard,
Shaw,
Stephenson,
Shepherson,
Stamy,
Stewart,
Turner,
Thompson,
Wannock,
White,
Williams,
Wright,
The Speaker.

Those who voted in the negative are:—

Messrs. Berry, J. M.

Messrs. Pindall.

Messrs.

Beazley,
Chadwick,
Conway,
Cate,
Eagle,
Harley,
Mahoney,
Preston,

Those absent or not voting are:-

Messrs.

Parrish,
Reid,
Robertson,
Sumpter,
Thynne,
Zimmerman,
Walker.

Messrs.

Beardsley,
Chapman,
Ennis,
Foster,
Hynds,

Johnson, Adam
Mitchell,
Fillgar,
Wheat,

So the bill was passed.

Mr. Sarles moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

The hour of 12 o'clock M. having arrived, being the hour set for the consideration of senate special orders,

Mr. Finch moved that the consideration of the special orders be postponed for 30 minutes.

Mr. O. S. Hawkins moved as an amendment that the consideration of the special orders be postponed until the business pending at the hour of 11 o'clock and 25 minutes A. M., shall have been disposed of.

Which latter motion was agreed to,

Then.

The House resumed consideration of the bill of the House (H.R. 226) entitled An act to create the county of Coolidge and for other purposes.

The question being on the passage of the bill,

After debate,

A message from the Senate by Mr. Orrick their secretary, viz:-

Senate Chamber March 26, 1873.

Mr. Speaker: I am instructed to inform your honorable body that the Senate has passed House Joint Resolution No 26, instructing the Auditor to audit the acts of the present superintendent of the penitentiary and herewith respectfully returns the same.

I am also instructed by the Senate to inform your honorable body of the passage of (S.B. No. 50) entitled An act to be entitled an act to allow convicts in Arkansas state penitentiary a diminution of time on certain conditions. and herewith transmit the same for your favorable consideration.

The House having under the consideration the bill of the House (H.R. 226) entitled An act to create the county of Coolidge and for other purposes.

The question being on the passage of the bill.

After debate.

Mr. Charles. F. Brown moved the previous question which was seconded and the main question ordered, viz:- Shall the bill pass?

The question being put.

It was decided in the affirmative, — yeas 36, nays 31, not voting 15.

Those who voted in the affirmative are:-

Messrs.

Berry, J. H.
Brown, Neal
Brown, Chas. F.
Beasley,
Chaffin,
Chandler,
Chapman,
Cunningham,
Eagle,
Fairbrush,
Foster,
Gilbreath,
Hankins, Mons
Hare,
Izzley
Lee,
Murphy, Wm

Messrs.

Marshall,
McGehee,
Merritt,
Matheny,
Nunn,
Reeves,
Parrish,
Rankins,
Reid,
Roberson,
Robinson,
Shepperson,
Story,
Thomas,
Thurman,
Thornburg,
Watkins,

Messrs.
Mac Leod,
Those who voted in the negative are:-
Messrs.
Wright,

Messrs.
Bridenthal,
Corbell,
Cort,
Copeland,
Crowley,
Cate,
Dane,
Emmi,
Fox,
Gist,
Gossett,
Gressett,
Hankins, O. S.
Harley,
Johnson, J. H.
Joyner.

Messrs.
Kingston,
Kent,
Lynn,
Mellen,
McVeigh,
Page,
Pindall,
Surles,
Shrigley,
Spears,
Stephenson,
Stewart,
Turner,
White,
Williams.

Those absent or not voting are:-
Messrs.
Berry, C. E.
Beardsley,
Cleveland,
Hawkins, A. H.
Hynds,
Johnson, Adam
Latta,
Murphy, J. H.

Messrs.
Mitchell,
Sheppard,
Sumpter,
Tillar,
Trumbo,
Wheat,
The Speaker.

So the bill was passed.

Pending the vote:

Mr. Robinson, (when his name was called), sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: Believing sir that the people now in the county of Horry whom I represent are in favor of the creation of the new county of Corlidge, now pending before this honorable General Assembly, and as I am pledged to their support, I deem it my duty to take

some definite action in the issue. Hon. Mr. Speaker: I know this Coolidge county bill was presented in this House some time ago, and since that time up to this I have been trying to get remonstrances against said county, but have failed to receive me; therefore believing, sir, as I do that the citizens of Mora county are trusting and depending upon me, and believing that I would be censured if I did not support this bill; be living that if this bill do pass it will not do any injustice to any of the good citizens of that section of the state. Therefore, in order to place myself on record in regard to this county, cast my vote aye.

The vote was then announced as above.

Mr. Dunbush moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

Then,

On motion of Mr. Kent

The consideration of the several special orders postponed pending the consideration of the above bill was further postponed and made special order for 11 o'clock A. M. on the morrow.

On motion of Mr. Kent.

The House proceeded to consider the bill of the House (H. R. 118) entitled An act to establish an institution to be known and called the Arkansas State Lunatic Asylum.

On motion of Mr. Kent.

The further consideration of the bill was postponed and made special order for 3 o'clock and 15 minutes P. M..

Then.

On motion of Mr. McGehee

The House at 1 o'clock P. M. took a recess until 3 o'clock. P. M.

After the recess.

The House met at 3 o'clock P. M.,

The roll being called it appeared

that the following named members were present, and answered to their names, viz:-

Messrs. J. H. Berry, Chas. F. Bunn, Beasley, Bridenthal, Clendenin, Coil-Copeland, Chandler, Crowley, Cate, Cunningham, Ezzell, Forte, Hurt, Hamm, Hawkins, Hays, J. H. Johnson, Latta, Wm. Murphy, McAshee, Merritt, McVeigh, Matheny, Arnold, Preston, Rindall, Raphiel, Reid, Robertson, Robinson, Shrigley, Shappard, Spears, Stephenson, Sheppeard, Stewart, Turner, Thomas, Thompson, Thornberry, White, Walker, Wright, The Speaker.

On motion of Mr. White,

The House passed to the consideration of joint resolutions and bills heretofore sent to the clerk's desk, as follows:-

By Mr. Shappard, a joint resolution (H. J. Res. 26) a joint resolution instructing the governor to appoint a representative from the county of Pope.

Which was read a first time, and

On motion of Mr. White,

Ordered, That the joint resolution lies on the table

By Mr. Hurt, a bill (H. B. 296) entitled An act to call a constitutional convention for the state of Arkansas,

Which was read a first time

Mr. Latta moved that the rules be suspended and that the bill be read a second time by title;

Which was not agreed to (two-thirds of the members present not voting therefor).

By Mr. White, a bill (H. B. 297) entitled An act to require county clerks to publish monthly statements.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title and referred to the Committee on County and Probate Courts,

By Mr. White, a bill (H.R. 298) entitled An act to
~~for an act entitled an act to aid~~ in the construction of railroads
approved July 21, 1868.

Which was read a first time.

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title, and

On motion of Mr. White,

Was referred to the Committee on the Judiciary.

The hour of 3 o'clock and 15 minutes P.M., having arrived,

The House proceeded to consider the special order postponed to that hour, being the consideration of the bill of the House (H.R. 118) entitled An act to establish an institution to be known and called the Arkansas State Lunatic Asylum,

On motion of Mr. Kent,

The House resolved itself into the Committee of the Whole House for the further consideration of the bill,

After some time spent therein,

The Speaker resumed the chair, and

Mr. Kent reported that the committee having according to order had under consideration the bill of the House (H.R. 118) entitled An act to establish an institution to be known and called The Arkansas State Lunatic Asylum, had considered the same and recommended that the bill be amended by striking out section 16, and also that section 5 be amended by adding thereto the following words "and the sum of ten thousand dollars per annum, is hereby appropriated for the above purpose."

On motion of Mr. Cobell,

The report of the Committee was adopted and the amendments were accordingly agreed to,

And,

On motion of Mr. Kent

Ordered, That the bill be engrossed for a third reading and be made special order for 12 o'clock M. of Friday, March 28, 1873.

On motion of Mr. Ennis,

#13
163

The House proceeded to consider the bill of the House (H.R. 163) entitled An act to prevent sheriffs and collectors from selling lands or returning persons and property as delinquent when taxes have been paid, and to punish the same.

Which was read a third time, and placed upon its passage.

After debate,

Mr. Copeland moved the previous question which was seconded and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative — yeas 66, nays 15, not voting 15.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Berry, J. H.
Bynum, Chas. F.
Beasley,
Bridenthal,
Chapline,
Corbell,
Copeland,
Copeland
Chandler,
Chapman,
Crowley,
Cate,
Cunningham,
Daire,
Ennis,
Eagle,
Fox,
Fairbush,
Foster,
Gist,
Gilbreath,
Gossett,
Grissom,
Hawkins, O.S.

Messrs.

Latta,
Murphy, J. H.
Murphy, Wm.
McLeod,
Marshall,
McGehee,
Merritt,
Mullen,
Mahaffey,
Nunnally,
Page,
Preston,
Pindall,
Parrish,
Rankins,
Reid,
Robertson,
Robinson,
Shrigley,
Shaffenburg,
Spears,
Stephenson,
Shepperson,
Stacy,
Sudduth,

Messrs.
Davis,
Harley,
Jolly,
Johnson, J. H.,
Joyner,
Kingston,
Kent,
Lynn,
Voting in the negative-
Mr. Neal Brown,
Those absent or not voting are:-
Messrs.
Beardsley,
Bort,
Hankins, A. M.,
Hankins, Moore
Hyatt,
Johnson, Adam,
Lee,
McVeigh,
So the bill was passed.
On motion of Mr. J. H. Berry,
The House proceeded to consider the bill of the House (H. R. 245) entitled An act for relief of collectors of revenue and for other purposes.
Which was read a third time and placed upon its passage.
Pending debate,
A message from the Senate by Mr. Orrick their secretary, viz:-
Senate Chamber, March 27, 1823
Mr. Speaker: I am instructed by the Senate to inform your honorable body that the Senate have concurred in the amendments, offered and adopted by the House, to (Senate Bill No 29) entitled an act to establish a board of supervisors in each county in the state and define their jurisdiction.
The House, having under consideration the bill of the House (H. R. 245) entitled

Messrs.
Stewart,
Thompson,
Thornburg,
White,
Walker,
Williams,
Wright,
The Speaker.

Messrs.
Mitchell,
Saiber,
Turner,
Thorn,
Fillan,
Warwick,
Wheat,

An act for relief of collectors of revenue, and for other purposes. and,

The question being on the passage of the bill,

After debate.

Mr. J. M. Murphy moved the previous question, which order seconded and the main question, ordered, viz; Shall the bill pass?

The question being put,

It was decided in the affirmative,— yeas 58, nays 9, not voting 15.

Those who voted in the affirmative are:—

Messrs.

Berry, B. E.
Berry, J. M.
Bynum, Chas. F.
Beasley,
Brideuthal,
Chapline,
Corbell,
Cleveland,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham,
Davis,
Dunn,
Eagle,
Fox,
Foster,
Gist,
Gilbreath,
Gossett,
Guinn,
Hawkins, O. S.
Hurley,
Ivy Ben,
Kingston,
Lynn,
Latta,
Murphy, J. M.

Messrs.

Murphy, Wm.
Marshall,
Merritt,
McVeigh,
Matheny,
Nunn,
Purton,
Randall,
Parrish,
Reid,
Riperton,
Surber,
Shrigley,
Shappard,
Spears,
Stephenson,
Shepherson,
Stacy,
Snyder,
Stewart,
Tunnell,
Thurman,
Thompson,
Thurmond,
White,
Walker,
Williams,
Wright,
The Speaker,

Those who voted in the negative are:—

Messrs.
Brown, Reid
Harris,
Joslyn,
Johnson, J. H.
Kent,
Were absent or not voting are:—
Messrs.
Beardsley,
Burt,
Copeland,
Fairbanks,
Fountain, A. H.
Fountain, Moses
Hyndman,
Johnson, Adam,
So the bill was passed.

Mr. Corbett moved that the vote last taken be reconsidered; and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to,

And then,

On motion of Mr. J. H. Murphy,

The House, at 5 o'clock and 26 minutes P.M., adjourned.

Approved

Speaker.

Attest

Clerk.

Friday, March 28, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:—

Messrs. C. E. Berry, J. H. Berry, Chas. F. Brown, Bradley, Brickenthal, Chapelle, Corbett, Cleveland, Burt, Copeland, Chandler, Chapman, Crowley, Cate, Cunningham, Davis, Ennis, Eagle, Fox, Foster, Gist, Gossett, Guinn, C. D. Hawkins, Hamre, Hamtin, Hynds, Adam Johnson, Ingram, Lyons, Meanhull, Page, Pindall, Rankin, Reid, Robertson, Robinson,

Shapland, Sheats, Stephenson, Shepherson, Strang, Thomason, Tilbar, Thornburg, White, Walker, Williams, Wright, The Speaker,

Prayer by the Rev. Mr. W. H. Gillam.

The Journal of Thursday was read and approved.

On motion of Mr. Cate.

The House proceeded under the order of unfinished business to consider the bill of the House (H. R. 116) entitled An act to prevent frauds against the revenue of the state, and for other purposes.

Which was read a third time and placed upon its passage,

The question being put, Shall the bill pass?

It was decided in the affirmative, yeas 60, nays 2, not voting 20.

Those who voted in the affirmative are:-

Messrs.

Berry, C. C.
Bynum, Neal,
Bynum, Chas. F.
Berry, J. H.
Bearden,
Breidenthal,
Chaplin,
Cottrell,
Cleveland,
Coit,
Chandler,
Chapman,
Cate,
Cunningham,
Davis,
Ervin,
Fowler,
Gilbreath,
Gorrell,
Grissom,
Hawkins, O. S.
Hawkins, Thomas,
Hanis,
Hadley,
Johnson, J. F.

Messrs.

McLeod,
Marshall,
McAlpher,
Merritt,
McAllen,
McVeigh,
Maultsby,
Mitchell,
Page,
Preston,
Rankins,
Reid,
Robertson,
Robinson,
Shipley,
Shapland,
Sheats,
Stephenson,
Stamy,
Sumpter,
Stewart,
Turner,
Thomas,
Thornburg,
Thornburg

Messrs.

Kingston,
Kent,
Lee,
Lynn,
Murphy, Wm.

Messrs.

White,
Walker,
Williams,
Wright,
The Speaker.

There who voted in the negative are:-

Messrs.

Pindall

Messrs.

Shepherd.

There absent or not voting are:-

Messrs.

Beardsley,
Copeland,
Crowley,
Eagle,
Fox,
Fairbanks,
Gist,
Hawkins, H. M.
Hounds,
Jolyns,

Messrs.

Johnson, Adams
Joynes,
Latta,
Murphy, J. M.
Nuttall,
Parrish,
Sauber,
Silber,
Warwick,
Wheat,

So the bill was passed.

Pending the vote,

Mr. Pindall (when his name was called), went to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: Believing that sec. 2 of article 10 of the constitution prohibits the General Assembly from exempting lands belonging to railroad companies from taxation, I vote no.

The vote was then announced as above.

The hour of 10 o'clock and 30 minutes A. M. having arrived,

The House proceeded to consider the special order postponed to that hour, being the consideration of the bill of the House (No. R. 227) entitled "An act to provide for the leasing and management of the state penitentiary."

Mr. Cumming moved that the bill be amended by adding to section 3, the following proviso, viz:-

Provided, That whenever the Governor, in pursuance of this act, shall call said board together for any purpose herein provided for, and a majority of said board shall fail to meet as herein provided, the Governor shall have power to adjourn the same for ten days (Sundays not counted), and in that case shall, certify in the absent members in writing, requiring them to appear at such adjourned meeting, and if at such adjourned meeting there should still be no quorum present, the Governor is hereby authorized and empowered to proceed to the transaction of business the same as if a quorum was present his acts to have the same force and effect as if passed at a full meeting of said board; and provided further, that should the board of commissioners fail to agree as herein provided, the Governor is hereby authorized and empowered, in that case, to exercise the powers of said board, in pursuance of the limitations and restrictions of this act,

After debate,

Mr. Corbell moved that the amendment be rejected, and,

Also, moved the previous question which was seconded and under the operation thereof the motion was agreed to, and the amendment was accordingly rejected,

Mr. Cunningham moved that the bill be amended by inserting the following section, viz:—

Section 20. It is hereby made a misdemeanor for any commissioner or other officer to be interested either directly or indirectly in any contract made under the provisions of this act, and on conviction thereof upon indictment he shall be fined in the sum of not less than one thousand nor more than five thousand dollars; and he shall be removed by the order of the court in which such conviction shall be had from his office as commissioner.

or other officer of the penitentiary, and it shall be the duty of the judge of the court having criminal jurisdiction in Pulaski county to give this section especially in charge to each grand jury. And furthermore such contract shall be void and it shall be the duty of the Attorney General to institute and prosecute proceedings in any court having jurisdiction to vacate and annul such contract; and he shall also bring an action on the bond of such contractor or contractors for all damages the state may sustain by reason of such interest or fraud in such contract, and it shall be lawful for the state to recover thereon such damages as she may sustain thereby.

Mr. McGehee moved that the bill be rejected.

After debate.

The hour of 11 o'clock A. M., having arrived, being the hour set for the consideration of the bill of the House (H. R. 278) entitled An act allowing equal pay to teachers in the same grades of the public schools without regard to race or sex.

On motion of Mr. Thurman.

The consideration of the special order was postponed until the business pending shall have been disposed of.

A message from the Senate by Mr. Quick their secretary, viz:-

Senate Chamber, March 28, 1873

Mr. Speaker,- I am instructed by the Senate to inform your honorable body of the passage by the Senate of (Sub. for H. B. No. 207) entitled a bill to be entitled an act for the relief of Cyrus E. Smith of Union county Arkansas and herewith return the same.

Also, (H. B. No. 188) entitled, an act entitled an act to encourage the introduction of thorough-bred live stock in to this state, and herewith return the same.

Also, (Sub. for H. B. No. 30) entitled an act to authorize the county courts of the several counties of this state to appoint fence viewers, and superintendents, and herewith return the same.

The House having under consideration the bill of the House (H.R. 277) entitled An act to provide for the keeping and management of the state penitentiary, and

The question being on the motion that the bill be rejected.

After debate,

Mr. Corbell moved the previous question, which was seconded and under the operation thereof the motion was disagreed to.

The question then recurring on the motion that the bill be amended by inserting the following section, viz:

Section 20. It is hereby made a misdemeanor for any commissioner or other officer to be interested, either directly or indirectly, in any contract made under the provisions of this act, and on conviction thereof upon indictment he shall be fined in the sum of not less than $1000, nor more than $5000; and he shall be removed, by the order of the court in which such conviction shall be had, from his office as commissioner or other officer of the penitentiary; and it shall be the duty of the judge of the court criminal jurisdiction in Pulaski county to give this section specially in charge to each grand jury. And further that such contract shall be void, and it shall be the duty of the attorney general to institute and prosecute such proceedings in any court having jurisdiction to vacate and annul such contract, and he shall also bring an action on the bond of such contractor or contractors for all damage the state may sustain by reason of such interest or other fraud, in such contract, and it shall be lawful for the state to recover therein such damages as she may sustain thereby.

After debate,

Mr. Copeland moved that the amendment be rejected.

Mr. Corbell moved the previous question

which was seconded and under the operation thereof the motion to reject was disagreed to.

The question being on the motion to amend offered by Mr. Cunningham.

Mr. Sumpter moved that the amendment be amended by inserting after the word "Penitentiary" the words "and also from his state office."

Which was not agreed to.

The question being again on the motion to amend offered by Mr. Cunningham.

Mr. Cunningham asked for the yeas and nays.

The question being put,

It was decided in the negative yeas 21, nays 41,

The yeas and nays being demanded by five members.

Those who voted in the affirmative are:-

Messrs.

Berry, J. H.
Brown, Chas. F.
Chapline,
Cox,
Cunningham,
Davis,
Ennis,
Foster,
Gist,
Harley,
Murphy, J. McG.

Messrs.

McElroy,
McGaheey,
Mitchell,
Preston,
Randall,
Robertson,
Sumpter,
Thomas,
Thyman,
Thornburg.

Those who voted in the negative are:-

Messrs.

Berry, C. E.
Bohrer, Saul
Beasley,
Bridenthal,
Cleveland,
Copeland,
Firebush,
Fozzett,
Grisson,
Hawkins, A. McG.
Hawkins, O. S.
Hawkins, Monroe
Hess,

Messrs.

Marshall,
Merritt,
McKeigh,
Nixon,
Rankins,
Reid,
Robinson,
Shrigley,
Shepherd,
Spears,
Stephenson,
Shepperson,
Shirey.

Messrs.

Jaslyn,
Johnson, J. M.,
Joyner,
Kingsbury,
Kent,
Lee
Murphy, Wm.,
McLeod.

Messrs.

Stewart,
Turner,
Warwick,
White,
Williams,
Wright,
The Speaker.

So the amendment was not agreed to.

Mr. Kingston moved that the bill be ordered engrossed for a third reading and be made special order for 11 o'clock and 30 minutes A. M. on the morrow, and

Also moved the previous question,

The question being put, Shall the main question be now put?

It was decided in the negative;—

So the House refused to order the main question.

Mr. Bridenthal moved that the bill be amended by striking out, in section 6, the words "there shall be" and inserting in lieu thereof the words "the Governor shall appoint".

Pending the consideration of the motion

The hour of 12 o'clock M. having arrived, being the hour set for the consideration of the bill of the House (H. R. 118) entitled An act to establish an institution to be known and called The Arkansas State Lunatic Asylum,

Mr. J. M. Berry moved that the consideration of the special order be postponed until the business pending shall have been disposed of.

Mr. Kent asked for the yeas and nays.

The question being put,

It was decided in the affirmative,— yeas 52, nays 13.

The yeas and nays being demanded by five members,

Those who voted in the affirmative are:—

Messrs.

Berry, C. E.,
Berry, J. M.,

Messrs.

Marshall,
Merritt,

Messrs.

Brown, Paul
Beasley,
Bridenthal,
Chaplin,
Cleveland,
Chandler,
Chapman,
Crowley,
Cunningham,
Davis,
Ennis,
Funderburk,
Fuller,
Gist,
Gilbreath,
Gossett,
Hagaley,
Jordan,
Johnson, J. H.
Lee,
Lynch,
Latta,
Murphy,
McLeod,

Messrs.

Matheny,
Mitchell,
Nunn,
Preston,
Pindall,
Parrish,
Rambo,
Reid,
Robertson,
Robinson,
Sabb,
Spears,
Stephenson,
Shepperson,
Shuey,
Sumpter,
Tinnen,
Thomas,
Thurmond,
Warnick,
White,
Walker,
Wright,
The Speaker,

Those who voted in the negative are:-

Messrs.

Brown, Chas. F.
Copeland,
Cate,
Fox,
Hawkins, A. H.
Hawkins, O. S.
Hawkins, Moore,

Messrs.

Harris,
Joyner,
Langston,
Kent,
McAllen,
Shipley.

So the motion was agreed to.

The House having under consideration the bill of the House (H. R. 277) entitled An act to provide for the bearing and management of the state penitentiary, and

The question being on the motion that the bill be amended by striking out, in section 6, the words "there shall be" and inserting in

lieu thereof the words "the governor shall appoint"

Mr. Thornburg moved to amend the motion by striking out the word "governor" and inserting in lieu thereof the words "board of commissioners."

Mr. Chaplin moved the previous question.

The question being put, Shall the main question be now put?

It was decided in the negative;

So the House refused to order the main question.

The question being on the motion to amend by striking out the word "governor" and inserting in lieu thereof the words "board of commissioners."

After debate

Mr. Robinson moved the previous question which was seconded and under the operation thereof the motion to amend was agreed to.

The motion as amended was then agreed to.

Mr. Furbush moved that the bill be further amended by striking out, in section 3, all after the words "president of said board of commissioners," and inserting in lieu thereof the words, "and a majority of said board of commissioners shall have power to convene a meeting of the same at such time and place as they think best, and a majority of the board when so convened, by such call, shall be competent to perform all the duties and exercise all the powers required of and invested in said board of commissioners."

After debate,

Mr. J. H. Berry moved the previous question which was seconded and under the operation thereof the amendment was agreed to,

Mr. Sumpter moved that the bill be further amended by striking out in section 6, line 6, the words "two thousand" and inserting in lieu thereof the words "one thousand."

After debate.

Mr. Miller moved the previous question which was seconded and under the operation thereof the amendment was agreed to.

Mr. Miller, at 12 o'clock and 4 0 minutes P.M. moved that the House take a recess until 3 o'clock P.M.,

Mr. Kingston moved as an amendment that the House take a recess until 4 o'clock, P.M.

Mr. Kent moved as an amendment to the latter motion that the House take a recess until 6 o'clock and 30 minutes P.M.

Mr. Thornburg moved as a substitute that the House take a recess until 3 o'clock P.M.

Mr. J. H. Johnson moved that the House adjourn

Which was not agreed to.

The question recurring on the substitute motion,

It was agreed to.

And,

The House accordingly at 12 o'clock and 4 minutes P.M., took a recess until 3 o'clock P.M.

After the Recess.

The House met at 3 o'clock P.M.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. J.M. Berry, Neal Brown, Chas. F. Brown, Beasley, Bickenthal, Chaplin, Cleveland, Chandler, Chapman, Conley, Cate, Cunningham, Ennis, Fox, Gilbreath, Gorrell, Grissom, Hancock, Harris, Haynes, Hanley, Jeffries, Adam Johnson, J. H. Johnson, Joyner, Kingston, Kent, Lynn, Latta, Wm. Murphy, McLeod, Marshall, McGehee, McNeigh, Matheny, Mitchell, Nixon, Pindall, Rawlins, Reid, Robertson, Robinson, Shipley, Shuppard, Speas, Stephenson, Strong, Sumpter, Stewart, Timmons, Thornburg, Warwick, White, Walker, Williams, Wright, The Speaker.

The House resumed consideration of the bill of the House (H.R. 277) entitled An act to provide for the leasing and management of the state penitentiary,

On motion of Mr. Pindall,

The bill was further amended by adding to section 16 the following proviso, viz:-

Provided, That upon the completion

of such building and improvements, as contemplated in this section, and the same has been received by the board of commissioners, said board shall proceed to audit the accounts therefor if the same be in conformity with the terms of the contract for building and improvements, and from the date of such auditing, said accounts shall bear interest at the rate of seven per centum payable semi-annually at the office of the state treasurer in United States currency, and provided further, that all indebtedness incurred by the state in pursuance of this section shall be paid in United States currency at maturity.

On motion of Mr. Reid,

The bill was further amended by inserting after the word "public" the words "improvements"

Mr. Chaplin moved that the bill be further amended by striking out, in section 15, the words, "except in public improvements, buildings and grounds owned by the state"

Mr. Shepperson moved that the amendment be rejected, and

Also moved the previous question, which was seconded and under the operation thereof the motion was agreed to and the amendment was accordingly rejected.

On motion of Mr. Warwick,

The bill was further amended by adding to section 3 the following proviso, viz:-

And provided further, It shall be unlawful for any of said board to become interested in any contract made under said law and upon conviction said commissioner shall be deemed guilty of misdemeanor and on conviction upon an indictment, fined in a sum not less than $1000 nor more than $5000 and any contract in which any of said commissioners shall be interested shall be and is hereby declared to be null and void.

Then,

On motion of Mr. J. H. Berry,

Ordered, That the bill be engrossed for

a third reading and be made special order for 11 o'clock A. M., of Saturday, March 29, 1873.

On motion of Mr. O. S. Hankins,

The consideration of the special order postponed pending the consideration of the above bill was further postponed for 15 minutes.

On motion of Mr. O. S. Hankins,

The House proceeded to consider the bill of the House (H. R. 236) entitled An act to create the county of Howard.

Mr. A. M. Hankins moved that the bill be amended by striking out the names of "Lewis Jones" and "Samuel Henry" and inserting in lieu thereof the names of "W. H. Marshall" of Hempstead county and "J. M. Anderson of Polk county.

Mr. J. M. Murphy moved as a substitute that the bill be amended, by striking out all that portion of the section that provides for the appointment of commissioners and inserting in lieu thereof the following words,

"The governor shall by proclamation call an election, for three commissioners, herein provided for giving 30 days notice thereof."

Mr. O. S. Hankins moved that the latter motion to amend be rejected.

After debate,

Mr. O. S. Hankins moved the previous question which was seconded and under the operation thereof the motion was agreed to, and the amendment was accordingly rejected.

The question then recurring on the original motion,

Mr. J. M. Berry moved that the motion be amended by striking out the name of "W. H. Marshall" and inserting in lieu thereof the name of "L. S. Cotell."

On motion of Mr. Copeland,

Under the operation of the previous question, the amendment was rejected.

The question recurring on the original motion,

Mr. Shepperson moved that the amendment be rejected,

Mr. Robinson moved the previous question

which was recorded, and under the operation thereof the motion to reject was disagreed to.

The question again recurring on the original motion.

Mr. Copeland moved the previous question which was seconded, and under the operation thereof the amendment was agreed to.

Mr Page moved that the bill be further amended by striking out the name of "J. H. Anderson" and inserting in lieu thereof the name of "L. S. Cobell."

Which was not agreed to.

Then,

On motion of Mr. O. S. Hawkins,

Under the operation of the previous question,

Ordered: That the bill be engrossed for a third reading and be made special order for 11 o'clock A. M. of Saturday, March 29, 1873.

On motion of Mr. McAchee,

The House proceeded to consider the bill of the House (H. R. 118) entitled "An act to establish an institution to be known, and called The Arkansas State Lunatic Asylum,

By unanimous consent,

Under a suspension of the rules,

The bill was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative,—

Yeas 54, nays 13, not voting 13.

Those who voted in the affirmative are:-

Yeas.

Berry, C. E.
Berry, J. H.
Blynn, Chas. F.
Chaplin,
Cobell,
Cleveland,
Cox,
Copeland,
Chapman,
Crowley,
Murphy, Jno.
Marshall,
McAchee,
Merritt,
Millen,
McCreigh,
Mitchell,
Nunn,
Page,
Preston.

Messrs.

Evans,
Fox,
Fairbank,
Foster,
Gist,
Grissom,
Hankins, A. M.
Hankins, O. S.
Hankins, Thomas
Harris,
Johnson, J. R.
Joyner,
Kingston,
Kyle,
Lee,
Lattin,
Murphy, J. M.

Those not voted in the negative are:—

Messrs.

Bailey,
Chandler,
Cunningham
Gilreath,
Gorrell,
Hanley,
Jordan

Those absent or not voting are:—

Messrs.

Bendsley,
Brown, Neal
Bridgenthal,
Cate,
Carie,
Eagle,
Hynds,
Johnson, Adam

So the bill was passed
pending the vote.

Mr. Cunningham (when his name was called) rose to the clerk's desk the following explanation of his vote viz:—

Messrs.

Parish,
Robertson,
Robinson,
Shipley,
Speas,
Stephenson,
Sheppherson,
Sloan,
Smithers,
Stewart,
Turner,
Thornburg,
White,
Walker,
Williams,
Wright,
The Speaker

Messrs.

McLeod,
Mathany,
Pindall,
Reid,
Thomas,
Thompson.

Messrs.

Lynn,
Rankins,
Sasser,
Scarborough,
Gilbert,
Wannick,
Wheat.

Mr. Speaker: He must ni cause persons in this are the majority of this House. They and there with, whom they are ni league, has bankrupted the state: and han become insane because they can no longer subsist upon the public treasury because there is nothing therein. They knowd that a grated communis-eum of the people will pronounce them insane. therefor they wish to push out, the really deserv-ing insane and, bucket one hundred thousand dollars and put themselves in the people's hotel. I vote no.

Mr. Harley (when his name was called) went to the clerk's dest the following explanation of his vote, viz:-

Mr. Speaker: In giving the vote I shall on the bill establishing an insane asylum now under consideration, I do so with much reluctance than I ever cast a vote. The importance of the bill involving and existing all those high and en-nobling feelings of our nature, no one in my judg-ment can deny. But that this proposition possess merit in a high degree, under other circumstances I should certainly vote for this or some other bill establishing an insane asylum for those un-fortunate persons who are fit subjects as inmates. In looking forward I would hope that at no distant day our financial condition will be such that we can undertake under more favorable auspices this humane work with a certain prospect of successful consumma-tion. I cannot vote money away knowing I could-n't pay the purpose when we are unable to pay it. Reluctantly, I vote no.

Mr. Reid (when his name was called) went to the clerk's dest the following explanation of his vote, viz:-

Mr. Speaker: In casting my vote on this bill I desire to say that the object contemplated in the bill is laudable and praiseworthy, but the financial condition of the state, now verging on the brink of bankruptcy, cries aloud to the minds

of our atest and best financiers; presenting to them a problem that none as yet have been able to solve. I cannot vote for any measure, no matter how just its claims may be, that will help, aid or assist in bringing about that result in the end. I therefore vote no.

Mr. Walker (when his name was called) sent to the clerks desk the following explanation of his vote, viz:-

Mr. Speaker:- I am as much opposed to a useless and unnecessary expenditure of the people's money as any member upon this floor, But, Sir: I have long seen the necessity of such an institution for the safe keeping and proper protection and medical treatment for these poor unfortunates of our state, and believing that it would be much better for the state to bear the burden of taking care of these unfortunates than for individuals to be compilled to do so. I vote aye!

The vote was then announced as above.

Under the rule,

Mr. C. E. Berry, from the Committee on Counties and County Lines to whom was referred the bill of the Senate. (S.140) entitled An act to establish and organize the county of Garland and for other purposes, reported the same and recommended its passage,

And,

By unanimous consent,

On motion of Mr. Sumpter.

The bill was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative, — year 57, nays 4, not voting 21.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Berry, J. H.
Bynum, Chas. F.
Bridenthal,
Chapman,
Cortell,
Cox,
Copeland,
Chapman,

Messrs.

Lee,
Lynn,
Latta,
Murphy, Wm.
Marshall,
McGehee,
Merritt,
Miller,
Mahoney.

Messrs.
Conroy.
Cote.
Cunningham.
Ennis.
Fox,
Furlonge,
Foster.
Gill,
Gorrell,
Grimmer.
Hankins. H. M.
Hankins. O. S.
Hankins. Homer
Harris.
Harley,
Jelly.
Johnson. J. M.
Joyner.
Kingston,
Kent.

Those who voted in the negative are:-

Messrs.
Pindall.
Reid.

Those absent or not voting are:-

Messrs.
Beardsley,
Brown. Neal
Beasley,
Cleveland,
Chandler,
Dail,
Eagle,
Gilbreath.
Haynes.
Johnson. Adam
Murphy. J. M.

Messrs.
Mitchell
Page,
Parrish.
Robinson,
Saxby.
Shipley.
Speaks.
Stephenson,
Shepperson,
Stacy,
Sumpter,
Stewart.
Turner.
Thorne,
Thornbury.
Warwick.
Walker,
Williams,
The Speaker.

Messrs.
McLeod,
McNeish.
Nunn,
Purtle,
Rankins,
Sharpband.
Thomason,
Tillar,
Wheat,
Wright.

So the bill was passed.

Mr. Kent moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter mo-

him was agreed to.

Mr. C. E. Berry, also, from the same committee to whom was referred the bill of the House (H. R. 143) entitled An act to create the county of Ruse and for other purposes, reported the same with the recommendation by the majority of the committee that the bill be passed.

Mr. Chaplin from the same committee submitted the following minority report thereon viz:-

Mr. Speaker: As a member of the Committee on Counties and County Lines, and on behalf of the entire Pulaski delegation of the 10th senatorial district; as well as the entire county delegation representing the 5th senatorial district and as well as a part if not the whole delegation both in the House and Senate representing White county and lastly but not least, on behalf of nine-tenths of the citizens embraced in the territory named in the boundaries described in the proposed county of "Ruse." I most earnestly oppose its adoption or formation. The same reasons which induced the Hon. N. A. Warnock of Pulaski to oppose the adoption of Sherman county when before this House exist in the bill for "Ruse." Whereas the Pulaski delegation is consulted as to the disposition of their territory, if desired by the citizens interested they will readily concur. To create the county of Ruse as defined in this bill would leave the geographical lines of Pulaski county in a very bad shape. A large remonstrance has been made by the citizens of White, Pulaski, and Conway, and for these reasons and the further as herein stated I protest against the passage of the bill

L. B. Chaplin

Mr. Mellen moved that the reports lie on the table and be made special order for 11 o'clock A.M. of Monday, March 31, 1873.

Mr. Warnock moved that the reports lie on the table.

Which was not agreed to.

The original motion was then agreed to.

Mr. Goodlard from the Committee on Enrolled Bills, reported correctly enrolled

the joint resolution instructing the Auditor to audit the accounts of the superintendent of the penitentiary.

Under a suspension of the rules, for that purpose,

Mr. Thomas from the select committee instructed to report such measures as will reduce the expenses and improve the financial condition of the state, introduced a bill together with a favorable report thereon (H. R. 309) entitled An act to provide for the payment of fees and perquisites of certain state officers into the state treasury.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules.

The bill was read a second time by title,

Mr. McIntire moved that two hundred and seventy-five copies be printed for the use of the General Assembly and that the consideration of the bill be postponed and made special order for 11 o'clock A. M., of Tuesday, April 1, 1873.

Mr. Chaplin moved as an amendment that one hundred and fifty copies be printed for the use of the House and that the the consideration of the bill be postponed and be made special order for 11 o'clock A. M. of Tuesday April 1, 1873.

Mr. McIntire moved the previous question which was seconded and under the operation thereof the latter motion was agreed to.

On motion of Mr. Miller,

The House proceeded to consider the bill of the Senate (S. 124) entitled An act to legalize certain acts of the clerks of the probate courts of the several counties in the state of Arkansas, and for other purposes,

Which was read a third time,

And,

On motion of Mr. Trotter,

Ordered, That the bill lie on the table.

Mr. Miller, gave notice that he would at some future time move to reconsider the vote last taken.

Mr. Chaplin moved that the House proceed to the consideration of the bill of the House (H. R. 272) entitled An act defining the duties of police judges, justices of the peace, &c, in certain cases.

Which was not agreed to.

Mr. J. H. Berry moved that the House proceed to the consideration of the joint resolution of the House (H. J. Res. 22) a joint resolution providing for the adjournment of the General Assembly sine die, March 31, 1873.

Pending which.

Mr. Knowlton at 4 o'clock and 45 minutes P. M. moved that the House adjourn.

Which was not agreed to.

The question being on the motion that the House proceed to the consideration of the joint resolution, providing for the adjournment of the General Assembly sine die, March 31, 1873.

Pending which,

Mr. McGehee, at 4 o'clock and 48 minutes P. M, moved that the House adjourn.

Which was not agreed to.

The question being on the motion that the House proceed to the consideration of the joint resolution providing for the adjournment of the General Assembly sine die, March 31, 1873.

Mr. A. M. Harkins at 4 o'clock and 52 minutes P. M. moved that the House adjourn.

Which was not agreed to.

The question being on the motion that the House proceed to the consideration of the joint resolution providing for the adjournment of the General Assembly sine die, March 31, 1873.

Mr. Pinkney moved as a substitute

that the House proceed to the consideration of the bill of the House (No. R. 134) entitled An act to amend the criminal laws of this state in relation to gambling.

Pending which,

Mr. Kent at 4 o'clock and 54 minutes P.M. moved that the House adjourn until 10 o'clock A.M. of Monday, March 31, 1873.

Mr. McGehee moved that the House adjourn.

Which latter motion was agreed to.

And,

The House accordingly, at 4 o'clock and 55 minutes, P.M. adjourned.

Approved

Speaker.

Attest

Clerk.

Saturday, March 29, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:—

Messrs. C. E. Berry, J. H. Berry, Chas. F. Bunn, Beasley, Brideuthal, Chaplin, Corbett, Cleveland, Coit, Copeland, Chandler, Chapman, Crowley, Cate, Cunningham, Davis, Erwin, Eagle, Fox, Fairbanks, Foster, Gist, Gilbreath, Gorrell, Grissom, A. M. Hawkins, O. S. Hawkins, Hanna, Hawkins, Harris, Hanley, Joslyn, J. M. Johnson, Joyner, Kingston, Kent, Lee, Lynch, Latta, Mrs. Murphy, McLeod, Marshall, Merritt, Millen, McVeigh, Mahoney, Mitchell, Nunn, Preston, Pindall, Parrish, Rawlins, Reid, Robertson, Sarber, Shappard, Shearn, Stephenson, Shippen, Sloan, Sample, Stewart, Thurman, Thornbury, White, Walker, Williams, Wright, The Speaker,

Prayer by the Rev. W. M. Gillam.

The journal of Friday was read and approved,

On motion of Mr. Latta,

The House proceeded, under the order of unfinished business, to consider the bill of the

House (No. R. 105) entitled An act to establish the lines between the counties of Montgomery and Clark.

Which was read a third time and placed upon its passage.

The question being put,

It was decided in the affirmative, - yeas 60, nays none, not voting 22.

Those who voted in the affirmative are:-

Messrs.

Berry, C. C.
Berry, J. H.
Brasley,
Brickhouse,
Chapline,
Corbell,
Cleveland,
Cox,
Copeland,
Chandler,
Chapman,
Coate,
Cunningham,
Ennis,
Eagle,
Fox,
Fisher,
Gist,
Gilkreath,
Garrett,
Grimm,
Hawkins, A. M.
Hawkins, C. S.
Hawkins, Hines,
Harris,
Hanley,
Jolly,
Johnson
Joyner,
Knowlton,

Messrs.

Lee,
Latta,
McLeod,
Marshall,
Merritt,
McClung,
McVeigh,
Mitchell,
Nunn,
Preston,
Pindall,
Parrish,
Rankins,
Reid,
Robertson,
Robinson,
Shirkey,
Splain,
Stephenson,
Shepherson,
Sturgy,
Stewart,
Timms,
Thorn,
Thomson,
White,
Walker,
Williams,
Wright,
The Speaker,

Those voting in the negative, those absent or not voting were:-

Those absent or not voting are:-

Messrs.

Beardsley,
Brown. Steal
Brown. Chas. F.
Crowley,
David,
Funkhouser,
Hynds,
Johnson. Adam
Kent,
Lynn,
Murphy. J. M.
So the bill was passed.

Messrs.

Murphy. Wm.
McGehee,
Matheny,
Page,
Sayber,
Sharpe.
Simpkins,
Tilley,
Tomberlin,
Warwick,
Wheat,

By unanimous consent,

On motion of Mr. Willcox.

The vote by which the House laid on the table the bill of the Senate (S. 124) entitled an act to legalize certain acts of the clerks of the probate courts of the several counties of the state of Arkansas and for other purpose was reconsidered, and,

Under a suspension of the rules for that purpose,

On motion of Mr. Mullen.

The House proceeded to consider the bill of the Senate (S. 124) entitled An act to legalize certain acts of the clerks of the probate courts of the several counties in the state of Arkansas, and for other purposes.

Which was read a third time, and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative. — yeas 46, nays 15, not voting 24.

Those who voted in the affirmative are:-

Messrs.

Brown. Chas. F.
Beasley,
Berdenthal,
Chapline,
Cockrell,
Cleveland,
Cox,
Copeland

Messrs.

Abernathy,
Arnett,
Bullen,
McVaigh,
Mitchell,
Preston,
Pridgen,
Parnish,

Messrs.

Chapman,
Cole,
Cunningham,
Eggers,
Gist,
Gilbreath,
Grissom,
Hankins, O.S.
Hankins Simms
Harley,
Johnson, J.H.
Kingston,
Kelly,
Lutton,
McCord,

Those who voted in the negative are:—

Messrs.

Berry, J.H.
Chandler,
Eagle,
Finnell,
Garrett,
Harris,
Jordan,
Lyons,

Those absent or not voting are:—

Messrs.

Berry, C.E.
Beardsley,
Brown, Paul
Conroy,
Dunn,
Fox,
Foster,
Hankins, A.Mc.
Hayes,
Johnson, Adam
Murphy, J.M.

Messrs.

Rawlins,
Reid,
Robertson,
Robinson,
Shappard,
Stephenson,
Sheppeson,
Strong,
Swinpton,
Stewart,
Thomas,
Walker,
Williams,
Wright,
The Speaker,

Messrs.

Lee,
Lyons,
Murphy, Wm.
Owen,
Sartin,
Shipley,
Thornton,

Messrs.

McGehee,
Matheny,
Page,
Sheaks,
Sumner,
Tillar,
Thornbury,
Warwick,
White,
Wheat,

So the Bill was passed.

Mr. Miller moved that the vote last taken be reconsidered and also moved that the motion

to reconsider be laid on the table, which latter motion was agreed to.

On motion of Mr. Chaplin

The House proceeded under the order of unfinished business to consider the bill of the House (H.R. 278) entitled An act allowing equal pay to teachers in the same grade of public schools without regard to race or sex.

Which was read a third time.

Mr. McVeigh moved that the bill be recommitted to the Committee on the Judiciary for the purpose of amendment, and that the committee be instructed to report the same by 10 o'clock and 30 minutes A. M. of Tuesday, April 1, 1873.

Mr. Cotrell moved the previous question which was seconded and under the operation thereof the motion to recommit was agreed to.

Under the rule

Mr. L. M. Johnson, from the Committee on Immigration, to whom was referred the bill of the House (H.R. 881) entitled An act to encourage immigration to the state of Arkansas, and for other purposes reported the same and recommended a substitute therefor.

Mr. Robinson moved that the report of the Committee be adopted, and

Also moved the previous question.

The question being put, Shall the main question be now put?

It was decided in the negative.

So the House refused to order the main question.

The question being on the motion that the report of the committee be adopted.

Mr. Thomas moved as a substitute that the report be referred to the Committee of Ways and Means.

Pending which

A message from the Senate by Mr. Orick their secretary, viz:

Senate Chamber. March 25, 1873.

Mr. Speaker: I am instructed by

the Senate to inform your honorable body of the passage by the Senate of (S. B. No. 126) entitled An act to amend section 14 of chapter 146 of Gould's Digest, and herewith transmit the same for your favorable consideration, also (S. B. No 139) entitled An act to establish and define the line dividing the counties of Franklin and Sarber, and herewith transmit the same for your favorable consideration.

The hour of 11 o'clock A. M. having arrived, being the hour set for the consideration of the bill of the House (H. R. 277) entitled An act to provide for the leasing and management of the state Penitentiary.

On motion of Mr. Thurman.

The consideration of the special order was postponed until 11 o'clock and 30 minutes A. M.

The House proceeded to consider the further special order set for the above hour being the consideration of the bill of the House (H. R. 236) entitled An act to create the county of Howard.

Pending the reading of the bill.

On motion of Mr. Murphy.

The further reading was dispensed with and the bill was recommitted to the Committee on Counties and County Lines for the purpose of amendment.

The House resumed consideration of the motion that the report of the Committee on Immigration recommending a substitute for the bill of the House (H. R. 55) entitled An act to encourage immigration to the state of Arkansas, and for other purposes, be referred to the Committee of Ways and Means.

Which was agreed to.

A message from his Excellency the Governor by Mr. McKenney his Private Secretary, who, being announced read the same as follows, viz:-

Executive Department, Arkansas.
Little Rock, March 29, 1873.

To the House of Representatives of Arkansas.

Gentlemen: I have signed and approved a joint resolution of the House and Senate entitled a joint resolution to authorize the Auditor of State to allow the accounts of the Superintendent

dent of the penitentiary which is herewith recommended.

Elisha Baxter,
Governor of Arkansas.

On motion of Mr. Corbell

The House proceeded under the order of unfinished business to consider the bill of the House (H. R. 271) entitled An act for the relief of the people of Pope county, and for other purposes,

Which was read a third time, and placed upon its passage.

Mr. Kent moved that the further reading be dispensed with and that the bill be referred to the select committee appointed to inquire into the cause and origin of the late troubles in Pope county, and to report what measures are necessary to restore peace and good order in that county.

Mr. Chaplin moved as an amendment that the bill be recommitted to the Committee on the Judiciary.

The question being put, Shall the further reading of the bill be dispensed with?

It was decided in the negative.

So the House refused to dispense with the further reading of the bill.

Pending the further reading of the bill,

The hour of 11 o'clock and 30 minutes A. M. having arrived being the hour to which the special order set for 11 o'clock A. M. was postponed,

On motion of Mr. Corbell,

The consideration of the special order was further postponed for 20 minutes.

The House having under consideration the bill of the House (H. R. 271) entitled An act for the relief of the people of Pope county, and for other purposes,

The reading of the bill being concluded,

Mr. Sarber moved the previous question which was seconded and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative.—

yeas 40, nays 25, not voting 17.

Those who voted in the affirmative are:

Messrs.

Berry, G. E.
Berry, J. M.
Bunn, Chas. F.
Breckenridge
Chapline
Corbell
Cleveland
Coit
Chapman
Crumley
Cate
Cunningham
Foster
Hankins, O. S.
Johnson, J. M.
Kingston
Ley
Lynn
Marshall
McKenzie
Nunn

Those voting in the negative are:-

Messrs.

Beasley
Chandler
Dani
Ezzell
Eagle
Fox
Gist
Gilbreath
Gossett
Hankins, Mann
Hays
Hanby
Memphis, Jno.

Those absent or not voting are:-

Messrs.

Beauchamp

Page
Preston
Pinckard
Pigueh
Reid
Barber
Shipley
Shappard
Stephenson
Shepperson
Stump
Turner
Thomas
Thornburg
White
Walker
Williams
Wright
The Speaker

Messrs.

McLeod
Merritt
Mullins
Matheny
Mitchell
Rankins
Robertson
Robinson
Spears
Sumpter
Thompson
Warnick

Messrs.

Anderson

Messrs.

Bynum. Steel
Copeland.
Fairbush.
Gwynn.
Hankins. A. Mc.
Hynds.
Irslyn.
Johnson. Adam

So the bill was passed

Messrs.

Kent.
Latta.
Murphy. J. Mc.
Mcclelen.
Stewart.
Tillar.
Wheat.

Pending the vote.

Mr. Fox (when his name was called) sent to the clerks desk the following explanation of his vote, viz:-

Mr. Speaker: Believing that the bill to exempt the people of Pope county from the payment of a poll tax, is a discrimination which is unjust and unconstitutional, I vote no.

The vote was then announced as above.

Mr. Kent at 11 o'clock and 49 minutes A. Mc., moved that the House adjourn

Which was not agreed to,

The hour of 11 o'clock and 50 minutes having arrived,

The House proceeded to consider the special order postponed to that hour being the consideration of the bill of the House (H. R. 277) entitled An act to provide for the leasing and management of the state penitentiary,

Which was read a third time and placed upon its passage,

Mr. Corbell moved the previous question which was seconded and the main question ordered, viz:- Shall the bill pass,

The question being put,

It was decided in the affirmative,— yeas 61, nays 2, not voting 19.

Those who voted in the affirmative are:-

Messrs.

Berry. J. M.
Bynum. Chas. F.
Beasley,
Murphy. Wm.
Mansfield,
Merritt,

Messrs.

Bridenthal.
Chapline.
Corbell,
Cleveland,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham,
Davis.
Eagle,
Finley,
Gist,
Gilbreath,
Hazlett,
Higgins,
Hankins, A. McD.
Hankins, O. S.
Hawkins, Mason
Harris.
Harley,
Hislop,
Johnson, J. McD.
Joynes,
Knight,
Lee,
Lynch
Latta,

Those who voted in the negative are:-

Messrs.

Ewing.

Those absent or not voting are:-

Messrs.

Berry, C. C.
Beardsley,
Bunn, Neal,
Cort,
Copeland,
Dix,
Fairbairn,
Hynds,

Messrs.

McGeigh,
McCartney,
Mitchell,
Nunn,
Page,
Pigeon,
Pindall,
Parrish,
Reid,
Rankins,
Robertson,
Robinson,
Shipley,
Speals,
Stephenson,
Shepherd,
Story,
Snyder,
Stewart,
Thorne,
Thurman,
Patrick,
White,
Walker,
Williams,
Wright,
The Speaker.

Messrs. Messrs.
Murphy, J. Mc. Wheat,
McCord,
So the bill was passed.

Pending the vote,
Mr. Erwin, when his name was called, sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: My reason for not supporting this bill is because I believe that the object of the introducers of this bill or at least some of them are determined that no bill shall pass this House in any and to the penitentiary that would be likely to pass the Senate, and their object is to clog legislation and gain time to defeat any bill that would meet the approbation of the Senate, so that the Buzgamm contract may be declared by the courts of this state valid.

The vote was the announced as above.

By unanimous consent,
On motion of Mr. McKnight,
Leave of absence was granted Mr. O. F. Parrish for 15 days.
Under a suspension of the rules for that purpose,
On motion of Mr. Brickenthal,
The House proceeded to consider the bill of the Senate (S. 52) entitled "An act to provide against the evils resulting from the sale of intoxicating liquors in the State of Arkansas,
Which was read a first time,
Mr. Purtle moved that the bill be rejected,
After debate,
No objection being offered,
Mr. Purtle withdrew the motion to reject,
By unanimous consent,
Under a suspension of the rules,

The bill was read a second time by title, and
On motion of Mr. Warwick
Ordered, That one hundred and fifty copies
be printed for the use of the House and that the
bill lie on the table subject to the call of the House.
And then,
On motion of Mr. Corbell,
The House, at 12 o'clock and 50 minutes P.
M., adjourned until 10 o'clock A.M. of Monday, March 31, 1873.

Approved

Speaker,

Attest

Clerk,

Monday, March 31, 1873.

The roll being called it appeared that the
following named members were present and answer-
ed to their names, viz:-

Messrs. C. E. Berry, J. M. Berry, Neal Brown,
Chas. F. Brown, Beasley, Briden, Chab. Chapline, Cor-
bell, Cleveland, Cox, Copeland, Chandler, Chap-
man, Crowley, Cate, Cumming, Dawson, Davis,
Erwin, Eagle, Fox, Fairbush, Foster, Gilbreath,
Garrett, Grissom, H. M. Hankins, O. S. Hankins,
Hanna Hankins, Harris, Haynes, Harley, Jordan,
J. M. Johnson, Joyner, Kent, Lee, Lynn, Latta,
J. M. Murphy, Wm. Murphy, McLeod, Mc-
Call, McGehee, Merritt, McEllen, McElwee, Math-
eny, Mitchell, Nunn, Page, Preston, Pridgen,
Rankins, Reid, Robertson, Robinson, Sauber, Shir-
ley, Shepard, Sheats, Stephenson, Sheppeard,
Sharp, Smapter, Stewart, Turner, Thurman,
Thompson, Tillar, Thornburg, Warwick, White,
Williams, Wright, The Speaker.

Prayer by the Rev. W. M. Gillam.

The Journal of Saturday March 29, 1873
was read and approved.

On motion of Mr. Reid,

Leave of absence was granted Mr. J. C.
Walker for 10 days on account of sickness
in his family.

Mr. Reid moved that the House pro-

ced to the consideration of the bill of the House (H.R. 39) entitled An act to create the county of Stone and for other purposes.

Which was not agreed to.

On motion of Hon. McGehee,

The House proceeded under the order of unfinished business to consider the bill of the House (H.R. 239) entitled An act to establish and organize the county of Posey, and for other purposes.

On motion of Hon. McGehee.

The bill was amended by striking out, wherever they occur in the bill, the words "county court," and inserting in lieu thereof the words "board of supervisors"

On motion of Hon. McGehee.

The bill was further amended by striking out section 13, of the bill.

Hon. McGehee moved that the bill be ordered engrossed for a third reading and be made special order for 11 o'clock A.M. of Tuesday, April 1, 1873.

Hon. Harley moved as a substitute that the further consideration of the bill be indefinitely postponed.

After debate,

Hon. Corbell moved the previous question which was seconded and under the operation thereof the motion to indefinitely postpone the further consideration of the bill was disagreed to.

The question recurring on the motion that the bill be ordered engrossed for a third reading and be made special order for 11 o'clock A.M. of Tuesday, April 1. 1873.

It was agreed to.

Under the rule,

Hon. Fox from the Committee on the Judiciary to whom was referred the bill of the House (H.R. 246) entitled An act for the relief of Lloyd. D. Ward of Mississippi county, reported the same and recommended its passage.

And,

On motion of Hon. McVeigh,

Ordered, That the bill be engrossed for a third reading and be made Special order

for 11 o'clock A. M., of Thursday, April 3. 1873.

Also, from the same committee, to whom was referred the bill of the House (H. R. 274) entitled An act to define the mode of contracting marriages in this state reported the same with the recommendation that the bill be not passed.

And,

On motion of Mr. Corbell,

Ordered, That the bill lie on the table.

Also, from the same committee to whom was referred the bill of the Senate (S. 57) entitled An act to amend an act entitled An act to regulate the practice in the matter of exemption of property on final process, reported the same with the recommendation that the bill be not passed,

And,

On motion of Mr. Medleigh.

Ordered, That the bill lie on the table.

Also, from the same Committee to whom was referred the bill of the House (H. R. 208) entitled An act to abolish the office of tax-assessor in certain counties, and for other purposes, reported the same and recommended its passage,

Mr. Joyner moved that the bill be ordered engrossed for a third reading and be made special order for 11 o'clock A. M. of Thursday, April 3. 1873.

Mr. Corbell moved that the bill lie on the table,

Which was not agreed to.

The question recurring on the motion that the bill be ordered engrossed for a third reading and be made special order for 11 o'clock A. M. of Thursday, April 3. 1873.

It was agreed to.

Also, from the same committee to whom was referred the bill of the House (H. R. 125) entitled An act to abolish probate courts and to establish district courts, and to provide for the election of the president of the several county courts reported the same with the recommendation that the bill be not passed.

And,

On motion of Mr. Barber.

Ordered, That the bill lie on the table.

Also, from the same committee, to whom was referred the bill of the House (H.R. 211) entitled An act for the more efficient administration of the criminal laws of this state; the apprehension and arrest of criminals; and the establishment of a metropolitan police district of the state of Arkansas, and for the government of the same reported the same with the recommendation by the majority of the committee that the bill be passed.

Mr. Barber moved that the further consideration of the bill last reported be postponed and made special order for a third reading for 10 o'clock and 30 minutes A.M., of Thursday, April 3, 1873.

After debate.

Mr. Latta, from the same committee, to whom was referred the above bill, submitted the following minority report thereon, viz:—

Mr. Speaker: As members of the House Judiciary committee we desire to express our dissent to the majority report filed and accompany any House bill No 211. We cannot concur with the majority report nor under any circumstance support or advocate the bill, deeming it as on the onset from which must necessarily emanate great and additional pecuniary burdens to the state and having in contemplation the inauguration of a police system that has met with signal failure in other communities, and has entirely failed to effect the object desired by the advocates and purposes of the system. The system also creates a dangerous power and places the execution of the same in the hands of a few. For these and other apparent reasons we are compelled to dissent to the majority report.

Respectfully,

G. G. Latta,
C. Thweatt,
H. L. Grindall,
H. M. McCleigh.

The question being on the motion that

the further consideration of the bill be postponed and made special order for a third reading for 10 o'clock and 30 minutes A.M. of Thursday, April 3, 1873.

Mr. Corbell moved the previous question, which was seconded and under the operation thereof the motion was agreed to.

Under the rule,

Mr. Dillon from the Committee on Roads and Highways, to whom was referred the bill of the House (H. R. 120) entitled An act to amend sections 17 and 20 of an act regulating roads and highways approved March 23, 1871, reported the same with the recommendation that the bill be not passed.

And,

On motion of Mr. Corbell,

Ordered, That the bill lie on the table,

Also, from the same committee, to whom was referred the bill of the Senate (S. 32) entitled An act amendatory of an act entitled an act regulating roads and highways, reported the same with the recommendation that the bill be amended by striking out in section 2, the words "ministers of the gospel and physicians ex officio," and by striking out in the same section the word "forty-five" and inserting in lieu thereof the word "fifty" and, also, by striking out, in section 3 the word "two" and inserting in lieu thereof the word "four,"

And,

On motion of Mr. Corbell,

Ordered, That the bill and amendments lie on the table subject to the call of the House.

Mr. J. H. Berry moved that the House pass to the consideration of the joint resolution of the House (H. Jt. Res. 22) a joint resolution providing for the adjournment of the General Assembly sine die, March 31, 1873.

Which was not agreed to.

The House proceeded to consider the bill of the House (H. R. 296) entitled An act to call a constitutional convention for the state of Arkansas,

Which was read a second time.

Mr. Kent moved that the further consideration of the bill be indefinitely postponed.

Mr. Sumpter asked for the yeas and nays, the question being put,

It was decided in the affirmative,—yeas 39, nays 28.

The yeas and nays being decided by five members,

Those who voted in the affirmative are—Messrs.

Bynum, Neal
Bynum, Chas. D.
Chapline,
Cobell,
Cleveland,
Cort,
Copeland,
Davis,
Fox,
Furbush,
Grissom,
Hankins, A. M.
Hankins, O. S.
Hankins, Adams
Higgins,
Joslyn,
Johnson, J. M.
Kent,
Lee,
Murphy, J. M.

Messrs.

Murphy, Wm.
McLeod,
Marshall,
McGehee,
Merritt,
Mullen,
Nunn,
Page,
Rankins,
Robinson,
Sadler,
Speers,
Stephenson,
Shepperson,
Stacy,
Stewart,
Turner,
Williams,
The Speaker,

Those who voted in the negative are—Messrs.

Berry, J. H.
Biddenbach,
Chandler,
Crosby,
Cate,
Cunningham,
Ennis,
Eagle,
Fiske,
Gilbreath,

Messrs.

Latta,
McKeigh,
McAtee,
Mitchell,
Preston,
Pinckard,
Reid,
Robertson,
Sumpter,
Thurman,

Messrs.

Gossett,
Hanley,
Snyder,
Lynn.

Messrs.

Thurman,
Dillon,
Thornburg,
Wright.

So the further consideration of the bill was indefinitely postponed.

Mr. McLeod from the Committee on Enrolled Bills, reported correctly enrolled the substitute for the bill of the House (Sub. H. R. 30) entitled An act to authorize the county courts of the several counties to appoint internal improvement commissioners.

Also, the bill of the House (H. R. 188) entitled An act to encourage the introduction of thoroughbred live stock into this state.

Also, the bill of the House (H. R. 207) entitled An act for the relief of Byron L. Smith of Union county, Arkansas.

By unanimous consent,

The House passed to the consideration of bills on their first reading and here to fore sent to the clerk's desk, as follows:-

By Mr. White, a bill (H. R. 299) entitled An act to require public officers to furnish copies of records and other papers.

Which was read a first time.

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title, and

On motion of Mr. Kent,

Was referred to the Committee on the Judiciary.

Mr. J. H. Berry rose to a privileged question and asked that he be excused from further service on the select committee instructed to report such measures as will reduce the expenses and improve the financial condition of the state.

On motion of Mr. Cobell,

Mr. J. H. Berry was excused from further service on the labor committee, and

On motion of Mr. Reid,

Mr. Joseph Wright was appointed to

fill the vacancy occasioned thereby.

The House resumed consideration of bills on their first reading and here to fore sent to the clerk's desk as follows:—

By Mr. Thornburg, a bill (H.B. 300) entitled An act to require the Governor to make deeds in certain cases.

Which was read a first time.

By unanimous consent.

Under a suspension of the rules,

The bill was read a second time by title.

Mr. Jolyn moved that the bill be refered to the Committee on State Lands.

Mr. Cobell moved as an amendment that the bill be refered to the Committee on the Judiciary.

Which was not agreed to.

The question recurring on the motion that the bill be refered to the Committee on State Lands,

It was agreed to.

By Mr. Thornburg, a bill (H.B. 301) entitled An act to require county clerks to make certain financial reports annually.

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title and refered to the Committee on County and Probate Courts.

By Mr. Shepperson, a bill (H.B. 302) entitled An act to change the name of William O. Ellis to that of William Ellis MacMonigle and to constitute him a lawful heir of Valentine O. MacMonigle and Martha MacMonigle his wife,

Which was read a first time,

And,

On motion of Mr. Neal Bunn,

Ordered That the bill be rejected

By Mr. Datta, a bill (H.B. 303) entitled An act to quiet titles to lands purchased of the state of Arkansas,

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title, and

On motion of Mr. Latta,

Was referred to the Committee on State Laws.

By Mr. Turner, a bill (H. R. 310) entitled An act amendatory of an act supplementary to an act to aid in the construction of rail roads, approved July 21, 1868.

Which was read a first time,

Mr. Pindall moved that the bill be rejected.

Pending which,

The hour of 12 o'clock M. having arrived being the hour set for the consideration of the bill of the House (H. R. 143) entitled An act to create the county of Ross and for other purposes.

On motion of Mr. Young,

The consideration of the special order was postponed until 1 o'clock P. M.

The House resumed consideration of the motion to reject the bill of the House (H. R. 310) entitled An act amendatory of an act supplementary to an act to aid in the construction of rail-roads, approved July 21, 1868.

After debate,

Mr. Robinson moved the previous question which was seconded and the main question ordered, viz:- Shall the bill be rejected?

Mr. Cumming then asked for the yeas and nays.

The question being put,

It was decided in the negative, — yeas 29, nays 41,

The yeas and nays being desired by five members,

Those who voted in the affirmative are

Messrs.

Berry J. M.,
Beatty,
Biddle thal,
Chandler,
Chapman,
Crowley

Messrs.

Latta,
McVeigh,
Mahaffey,
Mitchell,
Preston,
Pindall,

Messrs.

Cate,
Cunningham,
Ervin,
Eagle,
Forten,
Gilbreath,
Gossett,
Hanley,
Lynch,

Those who voted in the negative are:—

Messrs.

Berry, C. E.
Brown, Neal
Brown, Chas. J.
Chaplin,
Cobb,
Copeland,
Copeland,
Dunn,
Fox,
Grissom,
Hankins, A. M.
Hankins, O. S.
Hankins, Mann
Harris,
Horton,
Johnson, J. H.
Kingston,
Kent,
Lee,
Murphy, J. M.

So the House refused to reject the bill.

Mr. Sarley moved that the bibles be suspended and that the bill be read a second time.

Mr. Sumpter asked for the yeas and nays.

The question being put. Shall the rules be suspended,

It was decided in the negative.—

Yeas 42 nays 28

Messrs.

Reid,
Sumpter,
Thorn,
Thomason,
Tillar,
Tumbury,
White,
Wright.

Messrs.

Murphy, Jno.
McLeod,
Marshall,
McGehee,
Merritt,
Mullen,
Penn,
Paige,
Rankins,
Robinson,
Sasser,
Shipley,
Speed,
Stephenson,
Shepherson,
Sloan,
Stewart,
Turner,
Williams,
The Speaker.

The yeas and nays being demanded by five members,

Those who voted in the affirmative are:—

Messrs.

Berry, C. E.
Brown, Ford
Brown, Chas. F.
Chapline,
Cobell,
Cleveland,
Corit,
Corpeland,
Dane,
Fox,
Funkhouser,
Grissom,
Hankins, A. M.
Hankins, O. S.
Hankins, Monroe
Harris,
Irby,
Johnson, J. M.
Joynes,
Kingston,
Kent,

Those who voted in the negative are:—

Messrs.

Lee,
Murphy, J. M.
Murphy, Wm.
McCleod,
Marshall,
McGehee,
Merritt,
McAllen,
Nunn,
Page,
Rankins,
Sarber,
Shrigley,
Speers,
Stephenson,
Shepherson,
Strong,
Stewart,
White,
Williams,
The Speaker.

Those who voted in the negative are:—

Messrs.

Berry, J. M.
Beasley,
Bridenthal
Chandler,
Chapman,
Crowley,
Cate,
Cunningham,
Ennis,
Eagle,
Fiske,
Gilbreath,
Garrett,
Hanley,

Messrs.

Lynn,
Latta,
McCreight,
McAtee,
Preston,
Priddall,
Reid,
Robertson,
Sumpter,
Flynn,
Thurmann,
Tillar,
Thornberry,
Wright

So the rules were not suspended (two-thirds

of the members present not voting therefor).

By Mr. Joyner, a bill (H. R. 304) entitled An act for the protection of farmers against loss by dogs,

Which was read a first time.

Pending the reading of the bill,

On motion of Mr. Copeland

Ordered, That the bill be rejected.

Mr. McArthur moved that the vote last taken be reconsidered.

Mr. Neal Brown moved that the motion to reconsider be laid on the table.

Pending which,

On motion of Mr. Barber,

The House at 12 o'clock and 25 minutes P. M. took a recess until 6 o'clock P. M.

After the recess,

The House met at 6 o'clock P. M.

And,

On motion of Mr. Latta,

The House at 6 o'clock and 1 minute P. M. adjourned.

Attest

Speaker.

Clerk.

Tuesday, April 1, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:—

Mayze, C. E. Berry, H. Berry, Neal Brown, Chas. F. Brown, Beasley, Brickell, Chaplin, Cobell, Cleveland, Cox, Copeland, Chandler, Crowley, Cate, Cunningham, Davis, Ervin, Eagle, Fox, Fortune, Foster, Gilbreath, Garrett, Grimm, A. H. Hawkins, O. L. Hawkins, Hayes, Hankins, Hair, Harley, Ashley, J. H. Johnson, Joyner, Kinyoun, Kent, Lee, Lynn, Wm. Murphy, McLeod, Marshall, Merritt, Miller, Nesbit, Mabery, Mitchell,

Nunn, Page, Paxton, Pindall, Rawlins, Reid, Robertson, Robinson, Shipley, Shappard, Speers, Stephenson, Shepperson, Stony, Sumpter, Stewart, Tanner, Thurston, Tillar, Thornburg, White, Walker, Williams, Wright, The Speaker.

Prayer by the Rev. W. H. Gillam.

The journal of Monday was read and approved.

On motion of Mr. Mitchell.

Leave of absence was granted Mr. J. H. Gist for 2 days; dating from Monday, March 31, 1873.

On motion of Mr. McVeigh,

The House proceeded under the order of unfinished business to consider the bill of the House (H. R. 254) entitled An act to protect cervis of this state from injury by wagon, or other wheeled vehicles.

Which was read a third time and placed upon its passage.

After debate.

Mr. Neal Brown moved the previous question which was seconded and the main question ordered, viz:- Shall the bill pass?

The question being put,

It was decided in the affirmative, — yeas 54, nays 16, not voting 10.

Those who voted in the affirmative are:-

Messrs.	Messrs.
Berry, J. H.	Hewitt.
Bagley,	Hillen.
Bridenthal.	McVeigh.
Cleveland,	Matheny,
Cox,	Mitchell,
Chancellor.	Nunn.
Cate,	Paxton,
Cunningham,	Pindall,
Davis,	Rawlins,
Dunn,	Reid,
Engle,	Robertson
Fox,	Shappard,
Ferris,	Speers,
Galbraith,	Stephenson,
Garrett,	Stony,
Hawkins, Monroe.	Sumpter,

Messrs.

Harley.
Johnson, J. Mc.
Joyner.
Kent.
Lee.
Lynn.
Latta.
Murphy, Wm.
McLeod.
Marshall.
McAlpine.

Messrs.

Stewart.
Turner.
Thurman.
Thomason.
Tillman.
Thornburg.
Warnock.
White.
Williams.
Wright.
The Speaker.

Those who voted in the negative are:-

Messrs.

Brown, Neal
Brown, Chas. J.
Chaplin.
Copeland.
Fairbush.

Messrs.

Grissom.
Hankins, A. Mc.
Hankins, O. F.
Harris.
Shipley.

Those absent or not voting are:-

Messrs.

Berry, C. C.
Brandsley.
Corbell.
Chapman.
Crawley.
Gist.
Hynds.
Irby.
Johnson, Adam.

Messrs.

Kingston.
Murphy, J. Mc.
Page.
Paznah.
Robinson.
Sugden.
Sheppeard.
Wheat.
Walker.

So the bill was passed.

A message from the Senate by Mr. Orrick their secretary, viz:-

Senate Chamber, March 31, 1873

Mr. Speaker:- I am instructed by the Senate to inform your honorable body of the passage by the Senate of (Senate Bill No 142) entitled a bill to be entitled an act to prevent bribery and corruption in office, and herewith transmit the same for your favorable consideration, also (S.B. No. 127) A bill to be entitled an act supplemental to an act for the creation, organiza-

tion and maintenance of the Arkansas Industrial University with a Normal department therein approved March 27, 1871. and to establish a normal branch college of said university and herewith transmit the same for your favorable consideration, also (S. Bill No. 68) entitled A bill to be entitled an act for the protection of married women and for other purposes, and herewith transmit the same for your favorable consideration, also (Senate Sub) (for S. B. No. 129) entitled A bill for an act to be entitled an act for further prescribing the duties of the digester of the statutes of this State, and herewith transmit the same for your favorable consideration, also (S. B. No 118 entitled A bill to be entitled an act to define the duties of the attorney general in certain cases and herewith transmit the same for your favorable consideration.

Mr. Dillon rose to a privileged question and moved that Mr. O. F. Parrish be excused from further service on the Committees on Engrossed Bills and on Circuit and Justices' Courts.

Which was agreed to,

Whereupon,

The Speaker appointed Mr. J. F. Cummingham as a member of the Committee on Engrossed Bills, and Mr. W. P. Beasley as a member of the Committee on Circuit and Justices' Courts, to fill the vacancies occasioned thereby.

On motion of Mr. Turner,

The House proceeded, under the rule, to consider the bill of the House (No. R. 310) entitled An act amendatory of an act supplementary to an act to aid in the construction of Railroads, approved July 21, 1868

Which was read a second time,

Mr. Cummingham moved that the bill be amended by striking out section 4.

Pending which,

On motion of Mr. Sanders,

Ordered, That the bill lie on the table subject to the call of the House, and that one hundred and fifty copies of the bill be printed for the use

of the House.

On motion of Mr. McGehee.

The House proceeded, under the order of unfinished business, to consider the bill of the House (H. R. 239) entitled "An act to establish and organize the county of Dorsey and for other purposes."

Which was read a third time and placed upon its passage.

After debate.

Mr. McGehee moved the previous question which was seconded and the main question ordered, viz:- Shall the bill pass?

The question being put.

It was decided in the affirmative.— yeas 36, nays 26, not voting 20.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Brown, Neal
Brown, Chas. E.
Chapline.
Cleveland.
Cox.
Dare.
Fox.
Frisbush.
Hankins, A. M.
Hankins, Moses.
Hankins, O. S.
Joslyn.
Johnson, J. A.
Joyner.
Kingston.
Lee.
Murphy, Wm.

Messrs.

McLeod.
Marshall.
McGehee.
McAllen.
Nunn.
Rankins.
Robinson.
Sanders.
Shrigley.
Shappard.
Spears.
Stephenson.
Shepperson.
Sinny.
Sinden.
Warwick.
White.
The Speaker.

Those who voted in the negative are:-

Messrs.

Berry, J. A.
Bedsley,
Bridenthal,
Copeland,

Messrs.

Latta.
Merritt,
McVeigh,
Mahoney,

Messrs.

Chandler,
Conley,
Cote,
Cunningham,
Dunn,
Eagle,
Fawcett,
Ferrin,
Hagley,

Those absent or not voting are:-

Messrs.

Beardsley,
Corbett,
Chapman,
Finter,
Gist,
Gilbreath,
Harris,
Hayndes,
Johnson, Adam
Kent,
Reid,

So the bill was passed,

Mr. McClenning that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table, which latter motion was agreed to.

Mr. C. C. Berry moved that the rules be suspended for the purpose of receiving reports from the Committee on Counties and County Lines,

Which was not agreed to (two-thirds of the members present not voting therefor),

Mr. Reid moved that the rules be suspended and that he be allowed to submit a resolution,

Which was not agreed to, (two-thirds of the members present not voting therefor).

On motion of Mr. Shepperson,

The House proceeded under the order of unfinished business, to consider the substitute for the bill of the House (Sub. H. R. 237) entitled An act to exempt the household and kitchen furniture and the wearing apparel of residents.

Messrs.

Preston,
Pindall,
Reid,
Robertson,
Stewart,
Thurman,
Tillman,
Williams,
Wright,

Messrs.

Lynn,
Memphy, J. Mc.
Mitchell,
Page,
Parish,
Pennington,
Shinn,
Shumway,
Wheat,
Walker,

of this state and the money appeal of their families from taxation.

Which was read a third time.

Mr. Shepherd moved the previous question.

The question being put, Shall the main question be now put?

It was decided in the negative

So the House refused to order the main question.

After debate.

Mr. Kent moved that the bill be referred to the Committee of Ways and Means with instruction to incorporate the provisions of the bill in the general revenue law.

Mr. Robinson moved the previous question which was seconded and under the operation thereof, the motion to refer was agreed to.

Under a suspension of the rules for that purpose,

Mr. Chapline sent to the clerk's desk a communication, together with a notice of the introduction of a bill.

Pending which,

On motion of Mr. Ervin,

The House at 12 o'clock and 44 minutes P.M. adjourned.

Approved

Speaker.

Attest

Clerk.

Wednesday, April 2. 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. C. E. Berry. J. H. Berry. Beardsley. Neal Brown. Chas. F. Brown. Beasley. Bridenthal. Chapline. Corbell. Cleveland. Copeland. Chandler. Chapman. Conley. Cate. Cunningham. Dare. Ervin. Eagle. Fox. Funkhouser. Foster. Fuet. Gilkyson. Green. Guiseppe. O. S. Hawkins. Hanna Hawkins. Hans. Hawley. Jolyn. J. H. Johnson. Joyner. Kingston. Kent

Lee. Lyon. Latta. Wm. Murphy. McLeod. Marshall. Merritt. Millen. McNeigh. Matheny. Mitchell. Nunn. Page. Preston. Pindall. Rawlins. Reid. Robertson. Robinson. Sarber. Shipley. Sheppard. Spears. Stephenson. Shepperson. Strong. Sumpter. Stewart. Thurman. Thurman. White. Wheat. Walker. Williams. Wright. The Speaker.

Prayer by the Rev. Mr. W. H. Gillam.

The journal of Friday was read and approved;

By unanimous consent,

On motion of Mr. Bridenthal,

The House passed to the consideration of bills on their first reading, and here to fore sent to the clerk's desk as follows.

By Mr. Bridenthal, a bill (H.R. 311) entitled An act to regulate license and provide against evils resulting from the sale of intoxicating liquors in Washington county, Arkansas.

By unanimous consent

Under a suspension of the rules.

The bill was read a first and second time by title,

On motion of Mr. Kyzer,

The rules were further suspended, by unanimous consent, and

The bill was read a third time and placed upon its passage.

After debate,

Mr. Stewart moved the previous question which was seconded, and the main question ordered, viz:- Shall the bill pass?

The question being put,

It was decided in the affirmative,— yeas 55, nays 4, not voting 18.

Those who voted in the affirmative are:-

Messrs.

✓ Berry. C. E.
✓ Berry. J. M.
✓ Brown. Chap. F.
✓ Bridenthal.
✓ Corbell,

Messrs.

✓ Latta.
✓ Murphy. J. M.
✓ Murphy, Wm.
✓ McLeod.
✓ Millen.

Messrs.

Cleveland.
Chapman.
Crowley.
Cate.
Cunningham.
Cann.
Eagle
Fox.
Furbush.
Gist.
Gilbreath.
Gorell.
Grissom.
Hankins. O. S.
Hankins. Messrs
Harley.
Jordan.
Johnson. J. M.
Joyner.
Kingston.
Keith.
Lee.
Lyon.

Those who voted in the negative are:-

Messrs.

Beasley.
Foster.
Marshall
Matheny.
Reid.

Those absent or not voting are:-

Messrs.

Beardsley.
Bunn, Neal
Chapline.
Cox.
Copeland.
Chandler.
Davis
Hankins, A. Mc.
Hains

Messrs.

McNeight.
Mitchell.
Nunn.
Page.
Paxton.
Ragsdale.
Rawlins.
Robertson.
Surles.
Stephenson.
Sheppeard.
Shyng.
Sutphen.
Stewart.
Turner.
Thompson.
Tillman.
Thornburg.
Warnick.
Williams.
Wright.
The Speaker

Messrs.

Brigley.
Shackelford.
Speas.
White.

Messrs.

Agnew.
Johnson, Adams
Medsker.
Merritt
Parish.
Robinson.
Shuman.
Wheat.
Walker.

So the bill was passed.

Mr. Turner moved that the House pass to the consideration of the bill of the House (No. R. 311) entitled an act amendatory of an act supplementary to an act to aid in the construction of rail roads, approved July 21, 1868

Mr. Pindall asked for the yeas and nays.

The question being put.

It was decided in the affirmative,—yeas 39, nays 38.

The yeas and nays being desired by five members.

Those who voted in the affirmative are:—

Messrs.

Berry, C. C.
Beardsley,
Brown, Neal
Brown, Chas. F.
Chapline,
Corbell,
Cleveland,
Copeland,
Davis,
Fox,
Griffin,
Hawkins, A. Mc.
Hawkins, C. S.
Hawkins, Mason
Joslyn,
Johnson, J. M.
Joyce,
Kingston,
Kent,
Lee,

Messrs.

Murphy, J. Mc.
McLeod,
Marshall,
McClure,
Nixon,
Page,
Rankin,
Robinson,
Sanders,
Shyrock,
Shapland,
Shaw,
Stephenson,
Shepherd,
Strong,
Snider,
Warwick,
Williams,
The Speaker,

Those who voted in the negative are:—

Messrs.

Berry, J. M.
Bayley,
Braddock,
Burt,
Chandler,
Chapman

Messrs.

Latta,
Murphy, Wm.
McGhee,
Merritt,
McVeigh,
Matheny,

Messrs.

Ormsby,
Pate,
Cunningham,
Dunn,
Eagle,
Fahnestock,
Foster,
Fyffe,
Gilbreath,
Gossett,
Hains,
Harley,
Lynch,

The motion was agreed to.

Whereupon,

The House proceeded to the consideration of the bill of the House (No. R. 310) entitled An act amendatory of an act supplementary to an act to aid in the construction of railroads. Approved July 21, 1868.

Pending which,

Mr. White moved that the bill be referred to the Committee on the Judiciary.

Mr. J. M. Johnson moved as an amendment that the bill be referred to the Committee on Railroads.

Mr. Barber moved as a substitute that the bill lie on the table and be made special order for 11 o'clock A. M. of Thursday, April 3, 1873.

Mr. Pendall moved that the bill lie on the table.

Mr. Stewart asked for the yeas and nays.

The question being put, Shall the bill lie on the table,

It was decided in the affirmative,—yeas 40, nays 37.

The yeas and nays being desired by five members.

Those who voted in the affirmative are:

Messrs.

Berry, J. M.
Bynon, Chas. F.
Beasley,
Mitchell,
Preston,
Pendall,
Reid,
Robertson,
Sample,
Stewart,
Thorn,
Thomas,
Tilton,
Twining,
White,
Wright,

Messrs.

Lynn,
Latta,
Murphy, Wm.

Messrs.

Brideoake,
Bird,
Copeland,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham,
Ervine,
Eagle,
Furnish,
Foster,
Ford,
Gilbreath,
Gorrell,
Harris,
Harley,

Messrs.

McAfee,
Merritt,
McVeigh,
Matheny,
Mitchell,
Preston,
Pindall,
Reid,
Robertson,
Sumpter,
Stewart,
Thurman,
Thompson,
Tilden,
Thrasher,
Wilbourn,
Wright,

Those who voted in the negative are:-

Messrs.

Berry, C. C.
Beardsley,
Brown, Neal
Chapline,
Corbell,
Cleveland,
Dane,
Fox,
Grissom,
Hawkins, H. M.
Hawkins, O. S.
Hawkins, Monroe,
Irby,
Johnson, J. A.
Joyner,
Kingston,
Kent
Lee,
Montgomery, J. M.

Messrs.

McLeod,
Marshall,
Mullen,
Nunn,
Page,
Rogers,
Robinson,
Sauber,
Shipley,
Shapard,
Spears,
Stephenson,
Shepperson,
Strong,
Tauber,
Warnick,
White,
The Speaker,

So the bill was laid on the table.

A message from the Senate by Hon. Onnick their Secretary:-

Senate Chamber, April 1, 1873.

Hon. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of (S.B. No. 130) an bill entitled an act to prohibit the sale of ardent spirits within (3) three miles of Falcon Seminary, Male and Female Academy, also of (S.B. No. 152) entitled a bill to be entitled an act prescribing the penalty for neglecting to make fences and enclosures in conformity to existing laws. also, (H.B. No. 163) entitled "An act to be entitled an act to permit sheriffs and collectors from selling lands or returning persons and property delinquent when taxes have been paid, and to punish the same, and herewith return the same

Mr. Dumpter moved that the House pass to the consideration of the bill of the House (H.R. 309) entitled An act to provide for the payment of fees and perquisites of certain state officers into the state treasury.

Which was not agreed to.

On motion of Mr. Kent,

The House proceeded, under the rules, to consider the bill of the Senate (S. 144) entitled An act to prevent bribery and corruption in office.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title,

On motion of Mr. Kent,

The rules were further suspended, by unanimous consent, and

The bill was read a third time and placed upon its passage,

The question being put, Shall the bill pass?

It was decided in the affirmative — yeas 63, nays none, not voting 19.

Those who voted in the affirmative are:-

Messrs.

Berry, J. H.
Brown, Chas. F.
Beasley.

Messrs.

Latta.
Murphy, J. H.
Murphy, Wm.

Messrs.

Bridenthal,
Chaplin,
Cobell,
Cleveland,
Cox,
Chandler,
Chapman,
Crowley,
Cate,
Dane,
Dunn,
Eagle,
Fox,
Fairbanks,
Foster,
Gest,
Gilmath,
Gazett,
Greenwood,
Hawkins, A. H.
Hawkins, O. S.
Hawkins, Monroe
Harley,
Joslyn,
Johnson, J. H.
Joyner,
Kent,
Lee,
Lynn,

Mrs. Whitney in the negative.

Those entered as not voting are:—

Messrs.

Berry, C. E.
Beardsley,
Bunn, Stuart
Cooper, Carl,
Cunningham,
Davis,
Dennis,
Dunton, Adam,
Kincaid,

Messrs.

McClellan,
McCullough,
McDaniel,
McMillen,
Matheny,
Mitchell,
Nunn,
Page,
Preston,
Pritchett,
Rawlins,
Reid,
Robertson,
Robinson,
Sauber,
Speer,
Stephenson,
Strong,
Stewart,
Turner,
Thorne,
Thompson,
Tillar,
Thornbury,
Warnock,
Williams,
Wright,
The Speaker.

Messrs.

Berry, C. E.
Beardsley,
Bunn, Stuart
Cooper, Carl,
Cunningham,
Davis,
Dennis,
Dunton, Adam,
Kincaid,
McCullough,
Murdock,
Sheppard,
Shepherd,
Stephen,
White,
Wheat,
Winston.

So the bill was passed
On motion of Rep. Foster,
The House proceeded, under the order of unfinished business, to consider the bill of the House (H.R. 39) entitled An act to create the county of Stone, and for other purposes.
And,
On motion of Rep. Foster
Was referred to the Committee on Counties and County Lines.
On motion of Rep. Hanley,
The House proceeded under the rule, to consider the bill of the Senate (S.147) entitled an act to define the boundary lines between Saline and Pulaski counties, and for other purposes.
By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second time by title.
Rep. Mitchell moved that the bill be amended by striking out all that portion of territory included in township 1, north range 14 west.
Pending which,
On motion of Rep. Sample,
The bill and pending amendment were referred to the Committee on Counties and County Lines.
On motion of Rep. Shaw,
The House proceeded under the order of unfinished business, to consider the bill of the House (H.R. 143) entitled An act to create the county of Ross and for other purposes. together with the majority and minority reports from the Committee on Counties and County Lines thereon.
On motion of Rep. J. H. Murphy,
Ordered, That the bill and reports lie on the table.
On motion of Rep. Shaw,
The House proceeded, under the order of unfinished business, to consider the bill of the House (H.R. 309) entitled An act to provide for the payment of fees and perquisites of certain state officers into the state treasury.

Which was read a second time.

Mr. Corbell moved that the bill be referred to the Committee on the Judiciary for the purpose of amendment.

Pending the consideration of the motion,

Mr. McGehee, at 12 o'clock and 9 minutes P. M., moved that the House take a recess until 3 o'clock P. M.

Mr. Chaplin moved that the House adjourn.

Which was not agreed to.

The question recurring on the motion that the House take a recess until 3 o'clock P. M.

It was agreed to.

And,

The House, accordingly, at 12 o'clock and 10 minutes P. M. took a recess until 3 o'clock P. M.

After the Recess.

The House met at 3 o'clock P. M.

The roll being called it appeared that the following named members were present and answered to their names, viz:

Mssrs. J. H. Berry, Chas. F. Bruns, Beasley, Brideweth, Corbell, Cleveland, Chandler, Chapman, Crowley, Cate, Cunningham, Eagle, Finley, Gist, Gilbreath, Garrett, Harley, Jordan, Kingston, Kent, Lyons, Mrs. Murphy, Merritt, Miller, McVeigh, Matheny, Mitchell, Simms, Page, Pindall, Rainbow, Reid, Roberson, Robinson, Sheppard, Spears, Stephenson, Shelpman, Strong, Sumpter, Thompson, Warnock, White, Wilcoxen, Wright, The Speaker.

Under a suspension of the rules for that purpose.

On motion of Mr. Corbell.

The Committee on the Judiciary were instructed to report their action on the resolution, in reference to the impeachment of F. G. Steele, Judge of the Eighth Judicial circuit by 3 o'clock and 30 minutes P. M.,

On motion of Mr. J. H. Berry.

The House proceeded under the order of unfinished business, to consider the joint resolution of the House (H. R. Res. 22) a joint resolution providing for the adjournment of

the General Assembly sine die, March 31, 1873.

Mr. Cortell rose the point of order, that the House could not consider the joint resolution after the time fixed by the resolution for the adjournment had passed,

The Speaker ruled the point of order well taken,

Mr. Smyth then moved that the rules be suspended and that he be allowed to introduce a joint resolution,

Which was not agreed to by two-thirds of the members present not voting therefor).

Mr. Chapline, at 3 o'clock and 16 minutes moved that the House adjourn,

Which was not agreed to.

Under a suspension of the rules for that purpose,

Mr. Latta introduced a joint resolution (H. Jt. Res. 271) a joint resolution providing for the adjournment of the General Assembly, Tuesday, April 15, 1873, sine die.

Which was read a first time,

Mr. Latta moved that the rules be suspended and that the joint resolution be read a second time by title,

Mr. Kent asked for the year and nays,

The question being put,

It was decided in the affirmative,—yeas 56, nays 11,

Those who voted in the affirmative are:—

Messrs.

Berry, J. H.,
Bewley,
Bickenthal,
Cortell,
Cleveland,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham,
Davis,
Erwin,
Engle,
Fitz,

Messrs.

Lyons,
Latta,
Murphy, Wm.,
McCloskey,
Merritt,
McVeigh,
Matthews,
Mitchell,
Nunn,
Paige,
Pendall,
Reid,
Robertson,
Robinson,

Messrs.
Hurlbut,
Hyde,
Hitt,
Hildreth,
Hazelton,
Hawkins,
Hawkins, H. M.
Hawkins, Monroe
Hays,
Hawley,
Johnson, J. H.
Joyner,
Kent,
Lee,
Five who voted in the negative are:—

Messrs.
Shipman,
Speer,
Stephenson,
Strong,
Sumpter,
Turner,
Thurman,
Tillis,
Thornburg,
Warnock,
White,
Williams,
Wright,
The Speaker,

Messrs.
Chapline,
Copeland,
Hawkins, O. S.
Jordan,
Livingston,
McLeod,

Messrs.
Marshall,
Midden,
Rankins,
Shepperson,
Turner,

So the rules were suspended (two-thirds of the members present voting therefor) and,

The joint resolution was accordingly read a second time by title.

Mr. Sumpter submitted a joint resolution entitled a joint resolution providing for the adjournment of the General Assembly sine die, Saturday, March 5, 1873.

Under the operation of the previous question,

On motion of Mr. Latta,

Ordered, That the joint resolution recommended as a substitute be rejected.

Mr. Latta moved that the rules be further suspended and that the joint resolution be read a third time and placed upon its passage.

Mr. J. M. Murphy moved that the joint resolution lie on the table and be made special order for 11 o'clock A. M. of Thursday, April 3, 1873.

Which was not agreed to.

Mr. Sumpter moved that the joint resolution be amended by striking out the word "fifteen" and inserting in lieu thereof the word "ten."

Mr. McGehee moved that the amendment be amended by striking out the word "ten" and inserting in lieu thereof the word "three."

Mr. J. M. Johnson moved that the joint resolution be laid on the table.

Pending which,

Mr. McGehee, at 3 o'clock and 39 minutes P. M., moved that the House adjourn.

Which was not agreed to.

The question being on the motion that the joint resolution lie on the table.

Mr. Beasley asked for the yeas and nays.

The question being put,

It was decided in the negative.—yeas 13, nays 52.

Those who voted in the affirmative are:—

Messrs.

Chapline,
Copeland,
Hawkins, O. S.,
Jolly,
Johnson, J. M.,
Kingston,
McLeod.

Messrs.

Marshall,
Mullen,
Nunn,
Page,
Rawlins,
Shapland.

Those who voted in the negative are:—

Messrs.

Berry, J. M.,
Beasley,
Bridenthal,
Corbell,
Cleveland,
Chandler,
Chapman,
Conway,
Cate,
Cunningham,
Dunn,
Eagle,
Fox,

Messrs.

Lotta,
Murphy, Wm.,
McClellee,
Merritt,
McNeigh,
Matheny,
Mitchell,
Rudisill,
Reid,
Robertson,
Robinson,
Sanders,
Spears,

Messrs.

Bunbush,
Foster,
Gist,
Gilmath,
Jarrett,
Lyerson,
Hawkins, Messrs.
Hays,
Harley,
Joyner,
Kent,
Lee,
Lynn,

Messrs.

Stephenson,
Shepherson,
Stung,
Sculpter,
Turner,
Thurman,
Tilbar,
Thunbury,
Warwick,
White,
Williams,
Wright,
The Speaker,

So the House refused to lay the joint resolution on the table,

Mr. Corbell moved that the joint resolution and pending amendments be referred to the Committee of Ways and Means.

Which was not agreed to.

The question recurring on the motion to amend by striking out the word "ten" and inserting in lieu thereof the word "three."

On motion of Mr. Corbell,

Under the operation of the previous question,

Ordered, That the amendment be rejected.

The question then recurring on the motion to amend the joint resolution by striking out the word "fifteen", and inserting in lieu thereof the word "ten".

On motion of Mr. Corbell,

Under the operation of the previous question,

Ordered, That the amendment be rejected,

On motion of Mr. Warwick,

Under the operation of the previous question,

The joint resolution was amended by inserting the words "one die."

Then,

On motion of Mr. Corbell,

Under the operation of the previous question,

Ordered, That the joint resolution be engrossed for a third reading and be made special

order for 11 o'clock A.M. of Thursday April 3, 1873.

Mr. Fox, from the Committee on the Judiciary, to whom was referred the preamble and motion instructing that committee if they should find the allegations therein charged to be true, to report articles of impeachment against E. G. Steele, judge of the Eighth Judicial circuit, submitted the following report thereon, viz:-

Mr. Speaker:- The Committee of the House on the Judiciary, to whom was referred the motion passed by the House directing them to inquire into the official conduct of E. G. Steele judge of the 8th Judicial circuit beg leave to report that they have examined the papers upon which the injunctions were granted and find no grounds to warrant articles of impeachment and find further from the certificate of the clerk of Hempstead county that no order of any judge of the Supreme Court was on file in the clerk's office of that county relating in any wise to the case under consideration,

Mr. Cordell moved that that the report be adopted and that the committee be discharged from the further consideration of the subject,

After debate,

Mr. Mellen moved as a substitute that the report of the committee be referred to a select committee of five to be appointed by the Speaker with power to send for persons and papers,

Pending which,

A message from the Senate by Mr. Orrick their secretary, viz:-

Senate Chamber April 2. 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of (H. B. No. 262) entitled "A bill to be entitled an act to provide for filling vacancies in certain cases, and therewith return the same, also (S. B. No. 133) entitled "A bill to be entitled an act to authorize the county courts to procure the righ

of way to their citizens across turnpikes and bridges. also, (S. B. No. 128) entitled An act entitled an act requiring all rail-road companies within the state of Arkansas to stop trains at incorporated towns through which such roads pass.

The question being on the motion that the report of the committee be referred to a select committee of five to be appointed by the Speaker.

After debate,

Mr. Ervin moved the previous question, which was seconded and the main question ordered, viz: Shall the report of the committee be referred to a select committee of five to be appointed by the Speaker.

Mr. Millen asked for the year and nays.

The question being put,

It was decided in the affirmative, — year 31, nays 25,

The year and nays being demanded by five members,

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.,
Bynum, Neal
Bynum, Chas. F.
Chapline,
Copeland,
Fox,
Grisson,
Hawkins, A. M.,
Hawkins, O. S.
Hawkins, Moses,
Hicks,
Izzlyn,
Kilgore,
Knott,
Lee,
Murphy, Wm.,

Messrs.

McCloud,
Marshall,
Merritt,
Millen,
Nunn,
Page,
Rankins,
Sarber,
Spears,
Stephenson,
Shepperson,
Shinn,
Stewart,
Warwick,
The Speaker,

Those who voted in the negative are:-

Messrs.

Berry, H.,
Bradley,
Burkhead

Messrs.

Mahaney,
Overton,
Pindall,

Messrs.

Corbell,
Chandler,
Cunningham,
Eagle,
Fixter,
Gilbreath,
Garrett,
Hanley,
Johnson J. M.
Latta.

So the motion was agreed to,

And,

The Speaker appointed as such committee Messrs. M. A. Bentley, D. Brideuthal, W. A. Marshall, Lew. A. Kingston, and Lee.

Thornburg.

And then,

On motion of Mr. Neal Brown,

The House at 6 o'clock and 34 minutes P. M. adjourned,

Approved,

Speaker.

Attest

Clerk.

Messrs.

Reid,
Robinson,
Sumpter,
Thynne,
Thuman,
Tiller,
Thornburg,
White,
Wright.

Thursday, April 3, 1873

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. C. E. Berry, J. M. Berry, Neal Brown, Chas. F. Brown, Beasley, Brideuthal, Chaplin, Corbell, Cleveland, Crist, Copeland, Chancellor, Chapman, Crowley, Cate, Cunningham, Crowe, Eagle, Fix, Foster, Hunt, Gilbreath, Garrett, Guisinn, A. M. Hawkins, O. S. Hawkins, Monroe Hawkins, Hanna, Heyd, Hanley, Johnson, Adam Johnson, J. M. Johnson, Joyner, Kingston, Kent, Lee, Lynn, Latta, D. M. Murphy, Wm. Murphy, McLeod, Marshall, McIntire, Merritt, Miller, Mowbray, Matheny, Mitchell, Nunn, Page, Preston, Pindall, Rawlins, Reid,

Robertson, Robinson, Sauter, Shirley, Sheppard, Spears, Stephenson, Shepherson, Strong, Sumpter, Stewart, Turner, Thurman, Thompson, Tillman, Thornberry, White, Wilcoxen, Wright, The Speaker.

Prayer by the Rev. Mr. W. H. Gilliam.

The journal of Wednesday was read and approved.

By unanimous consent,

Under a suspension of the rules,

Mr. Sumpter introduced a memorial (H. Memo. 10) a memorial to the congress of the United States asking that the state of Arkansas be allowed the benefits of the Bankrupt acts, and under the suspension of the rules, the memorial was read a second time, and

On motion of Mr. Cotbell,

The memorial was referred to the Committee on Federal relations.

On motion of Mr. Erwin

The House passed to the consideration of the bill of the House (H. R. 174) entitled an act to define and establish the boundary line between the counties of Prairie and White.

On motion of Mr. Erwin.

The bill was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative. — yeas 62, nays 1, not voting 19.

Those who voted in the affirmative are:-

Messrs.

Berry, C. O.
Berry, J. M.
Beckley.
Breidenthal,
Chrisp,
Cotbell,
Cleveland,
Coit,
Copeland,
Chandler,
Dillon
Dunphy, A. G.
Eberly, Wm
McLeod,
Merritt,
McVeigh,
Mahony
Mitchell,
Nunn,
Page,

Messrs.

Chapman,
Crowley,
Cate,
Cunningham,
Ennis,
Engle,
Foster,
Gill,
Gillmette,
Garrett,
Green,
Hawkins, N. J.
Hawkins, Thomas
Jaclyn,
Johnson, Adam,
Johnson, J. M.
Joyner,
Kitchin,
Kent,
Lee,
Lynch,
Patton in the negative,
Mr. Shipley,
Those absent or not voting are:-

Messrs.

Brindell,
Bunn, Neal
Bunn, Chas. F.
Dunn,
Fox,
Fuquay,
Hankins, A. M.
Harris
Haywood,
Hurley,

Messrs.

Preston,
Randall,
Rountree,
Reid,
Robertson,
Sheppard,
Spence,
Stephenson,
Shepherson,
Stacy,
Sumner,
Stewart,
Turner,
Thomas,
Thompson,
Tillery,
Townsend,
White,
Williams,
Wright,
The Speaker.

So the Bill was passed,

Mr. Jaclyn gave notice that he would move a reconsideration of the vote by which the House rejected the Bill of the House (H. R. 191) entitled an act for the relief of S. L. Holmes.

Messrs.

Mangum,
McGehee,
Miller,
Parrish,
Patterson,
Sutton,
Warwick,
Wheet,
Walker,

The hour of 11 o'clock A. M. having arrived the

House passed to the consideration of the special order set for that hour, being the consideration of the bill of the House (H.R. 211) entitled an act for the more efficient administration of the criminal laws of this state, the apprehension and arrest of criminals and the establishment of a metropolitan police district of the state of Arkansas, and for the government of the same.

Pending the consideration of the bill.

The hour of 11 o'clock and 30 minutes A.M. having arrived, being the hour set for the consideration of the joint resolution of the House (H.J. Res. 271, a joint resolution providing for the adjournment of the General Assembly sine die, April 15, 1873.

On motion of Mr. Cabell,

The consideration of the special order was postponed until the bill under consideration shall be disposed of.

Pending the further consideration of the bill, it appearing that the bill had not been properly engrossed,

Mr. Latta moved that the bill be ordered re-engrossed.

Which motion was decided in the affirmative, — yeas 42, nays 29.

The yeas and nays being demanded by five members.

Those who voted in the affirmative are:-

Messrs.

Berry, D. H.
Bequette,
Brizzolara,
Chaplin,
Cleveland,
Cox,
Chandler,
Chapman,
Crawley,
Cate,
Cunningham,
Evans,
Eagle,
Foster,
Gist,
Lynn,
Latta,
Merritt,
Mactreigh,
Matheny,
Mitchell,
Nunn,
Preston,
Pindall,
Reid,
Robertson,
Strong,
Sumpter,
Stewart,
Thomas,

Messrs.
Gilbreth,
Gorsuch,
Hawkins, Hamm
Harley,
Kent,
Lee,
Those who voted in the negative are:-

Messrs.
Thomson,
Tillar,
Twinbury,
White,
Williams,
Wright,

Messrs.
Brown, Saml
Brown, Chas. A
Corbell,
Copeland,
Gerrin,
Hankins, A.M.
Hawkins, O.S.
Joslyn,
Johnson, Adam
Johnson, J.H.
Kingston
Murphy, J. M.
Murphy, Wm.
Marshall,
Norris
So the motion was agreed to,

Messrs.
McAbee,
McAllen,
Page,
Rawlins,
Robinson,
Sarber,
Shipley,
Shipland,
Spears,
Stephenson,
Shepherson
Timms
Warwick
The Speaker.

Pending the vote,
Hon. Bindall, rose his name was called and to the clerk's desk the following explanation of his vote.@:-
Mr. Speaker; I do not protest my vote against the passage of this bill as a partizan. While I recognize party issues, such as the power of the general government and the manner of exercising them, and questions of domestic economy; whether we shall have a high protective tariff or free trade whether the currency of the country should be regulated by the general government. or, as in times past by the state, when and how the government should resume specie payment, how the public domain should be disposed, and the relation of the government with foreign powers - there are questions upon which men of pure hearts, trained minds

and mature thought, how and will differ, and their difference will divide them into separate political parties, all having the same object in view— the protection, peace, happiness and prosperity of the people. To secure this is, or should be the object of all governments.

I can see in this bill nothing of a party view, but questions that should be exclusively by representatives of the people unbiased by party prejudice thought less of who represented the bill & thought only of the people it will affect. Let us, for the time, forget our individuality as representatives, and examine this bill in the light of the whole people of the state, and ascertain whether it will profit them, and whether it is such a law as they desire.

As we must bring every act to the standard of the constitution, and conform to its requirements, it will not be amiss to examine some of the provisions of that instrument, and see if this act conforms to them.

Article 4 of the constitution divides the powers of the government into three departments, legislative, executive and judicial, and prohibits persons belonging to one departments from exercising the powers properly belonging to another.

The powers of each department are prescribed by the constitution.

The power of enacting law belongs to the legislative department, and is vested in the general assembly.

The power of ascertaining what the law is, and apply they it to facts, belongs to the judicial department, and is vested in the courts.

The power of executing the law belongs to the executive department, and are vested in the executive officers of the government.

This act creates the entire state into one police district, and gives the supreme control of the district to the commissioners which it creates, the governor secretary of the treasury, and a person to be appointed by

the governor; and gives the commissioners power to make rules and regulations for the district i.e. the state, just what is intended by rules and regulations for the government of the district is not clear, but as it is made to apply to the district it would seem to be for the government of the whole people of the state, and not simply of the police. This is clearly legislative, and by the constitution is vested in the general assembly and cannot be delegated.

Then we find that the police commissioner can issue warrants of arrest. This clearly belongs to the judicial department of the government, next they are authorized to execute process, and to even make arrests without process. So far as such powers exist at all, they belong to the executive department of the government.

Thus we find that the powers belonging to the several departments of the government, are conferred upon the commissioners who execute them with out bond or any security to prevent their abuse, in direct violation of articles 4, 5, 6 and 7, of the constitution.

This act also authorizes seizure and search without warrant, without probable cause supported by affidavit, in violation of section 12, article 1. of the constitution. Truly these powers are extraordinary and unwarranted by the constitution.

The act creates a commissioner with a salary of $2500. and captains with a salary of $125. per month with an indefinite number of sergeants with salary of $80. per month requiring an expenditure of about $200,000 to pay the expenses of the commission annually.

The retiring governor in his message says the people of the state are peaceful and law abiding. What emergency calls for these extraordinary and unconstitutional powers, and the expenditure of so much of the peoples money? The only reason I apprehend will be that two officers have been murdered in Pope county. Admitting this to be true, and that these men were killed under the most aggravated circum-

stances, will this not furnish a remedy? Cannot the offenders be brought to the bar of justice by the machinery of the constitution? I think they can if they can be identified and caught at all. If the civil officers of that county are unable to execute the law, the executive has the power to assist them by declaring martial law, but by furnishing the civil officers a sufficient power to aid them in not dividing the law but in executing it, I have no doubt that if the governor would detail a dozen honest, impartial, discreet men to go into that county, they could accomplish more in bringing the offenders to the bar of justice, than all the militia or commissioners in the state; and if he has power to send a regiment he can send but a dozen. I have not attempted to justify or excuse the persons who killed these men, I am content to leave that question where the constitution has left it with the courts — to determine. The most exaggerated charges do not connect a great number of the citizens of that county with the killing, and, from the lights before me, I do not believe that one six, certainly not more than twelve, men have any connection with the troubles in that county, except by having been voted by the militia sent to that county last fall.

Are there extraordinary measures consistent with the actions of this body a few days ago in extending, without trial, pardon and amnesty to a man who killed the sheriff of Mississippi county? Is a man's life as much under the protection of the law in Mississippi county as in Pope? Do not we find the solution of the question in the fact that the man killed in Mississippi county was a conservative killed by a radical, and the man killed in Pope was a radical killed by a conservative? May it not be asked if the only necessity for this act is to create a half a dozen or so offices for hungry pets?

Will our bonds a drug in the market

at thirty-five cents on the dollar, with our
rnded interest unpaid, and our people al-
ready overburdened with taxation, is it wise,
is it just, to add to the burden $200.000, and to
publish to the world that such a state of lawless-
ness exists in Arkansas (which is not true
in fact) as to call for such extraordinary legislation? How long before our bonds
will not be worth the paper they are written upon?

To kill the Bill.. I vote aye.

The vote was then announced as above.

The House then proceeded to consider the special order postponed pending the consideration of the above bill, being the consideration of the joint resolution of the House (H. J. Res 27) a joint resolution providing for the adjournment of the General Assembly sine die, April 15, 1873.

Which was read a third time and placed upon its passage.

And the question being put, Shall the joint resolution pass?

It was decided in the affirmative,—
yeas 63, nays 3, not voting 12.

Those who voted in the affirmative are:-

Messrs.

Berry, J. H.
Brown, Neal.
Brown, Chas. F.
Bridenthal,
Chapline.
Cobell,
Cleveland,
Cox,
Copeland,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham
Davis,

Messrs.

Kent,
Lee,
Lynn,
Latta,
Murphy, J. H.
Murphy, Wm,
McGehee,
Merritt,
Millen,
McKnight,
Matheny,
Mitchell
Nunn.
Preston,
Rankins,

Messrs.

Ervin,
Eagle,
Fox,
Foster,
Gist,
Gilbreath,
Gossett,
Grisham,
Hankins, A. McC.
Hankins, O. S.
Hankins, Mrs.
Harris,
Harley,
Jolly,
Johnson, Adam,
Johnson, J. H.
Joyner,
Kingston,
Wright

Those who voted in the negative are:-

Messrs.

Reid,
Robertson,
Rochester,
Sarber,
Sheppard,
Spears,
Stephenson,
Shepherson,
Shuey,
Sumpter,
Stewart,
Turner,
Thomas,
Tilley,
Thornburg,
Warwick,
White,
Williams,
The Speaker;-

Those who voted in the negative are:-

Messrs.

Pindall,
Shipley,

Those absent or not voting are:-

Messrs.

Berry, C. E.
Beardsley,
Beasley,
Burbach,
Clymer,
McLeod,

Messrs.

Marshall,
Page,
Parrish,
Wheat,
Walker,

So the joint resolution was passed.

Then,

On motion of Mr. Marshall,

The House, at 12 o'clock and 40 minutes P.M., took a recess until 3 o'clock P.M.

After the recess

The House met at 3 o'clock P.M.,

The roll being called it appeared that the following named members were present and

answered to their names, viz:-

Messrs. J. H. Berry, Beardsley, Neal Brown, Chas. F. Brown, Bearley, Bridenthal, Chaplin, Corbell, Cleveland, Copeland, Chandler, Conway, Cate, Dare, Eagle, Fox, Funkhouser, Foster, First, Gilbreath, Jarrett, Jimison, A. M. Hankins, O. S. Hankins, Monroe Hankins, Harley, Jaslyn, Adam Johnson, J. H. Johnson, Joyner, Lee, Lynn, Latta, J. H. Murphy, McLeod, Marshall, McGehee, Merritt, Miller, McVey, Matheny, Mitchell, Priddell, Rankins, Reid, Robinson, Sartin, Shingles, Sheppard, Stephenson, Shepperson, Sumpter, Stewart, Thomas, Thompson, White, Wright, The Speaker.

Mr. Chaplin from the Committee on Counties and County Lines, to whom was referred the bill of the Senate (S. 147) entitled An act to define the boundary line between Saline and Pulaski counties asked for other purposes, reported the same and recommended its passage.

And,

On motion of Mr. Corbell,

The bill was recommitted to the Committee on Counties and County Lines.

Mr. Chaplin from the Committee on Public Expenditures to whom was referred the bill of the Senate (S. 90) entitled An act for the relief of the State Guards and for other purposes returned the same without report,

And,

On motion of Mr. Chaplin,

The bill was referred to the Committee on Militia.

A message from the Senate by Mr. Orrick their secretary, viz:-

Senate Chamber, April 3, 1873

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage of (Sub. for S. B. No. 132), an act to divide the State into sixteen judicial circuits to confer original jurisdiction in all matters pertaining to probate and administration upon circuit courts, and fix the time for hold-

ning said courts, and herewith transmit the same for your favorable consideration.

Hon. C. E. Berry from the Committee on Counties and County Lines to whom was referred the bill of the House (H. R. 391) entitled An act to create the county of Stone and for other purposes, reported the same and recommended that the bill be amended.

Pending the consideration of the amendments,

On motion of Mr. Turner,

The bill was recommitted to the Committee on Counties and County Lines for the purpose of further amendment.

Mr. Ivie from the same committee, to whom was referred the bill of the House (H. R. 202) entitled An act to establish the county of Lawke, and for other purposes, reported the same and recommended a substitute therefor.

On motion of Mr. Wamick,

The consideration of the report was postponed and made special order for 11 o'clock A. M., of Saturday April 5, 1873.

Mr. Sarber moved that the House proceed to consider the bill of the House, heretofore laid on the table (H. R. 391) entitled An act amendatory of an act supplementary to an act to aid in the construction of railroads, approved July 21, 1868.

Mr. J. H. Berry made the point of order that the House could not pass to the consideration of the bill, unless the rules were suspended for the purpose of taking the bill from the table.

The Speaker ruled the point of order not well taken.

The question being on the motion of Mr. Sarber.

Mr. J. H. Berry asked for the yeas and nays.

The question being put.

It was decided in the affirmative, — yeas 42, nays 35.

The yeas and nays being demanded by five members.

Those who voted in the affirmative are:-

Messrs.

Berry. C. E.
Beardsley.
Brown. Neal
Chapline.
Corbell.
Cleveland.
Copeland.
Dane.
Fox.
Finbush.
Grissom.
Hankins. A. Mc.
Hankins. C. L.
Hankins. Messrs
Harris.
Jaslyn.
Johnson. Adam
Johnson. J. M.
Joynes.
Kingston.
Knott.

Messrs.

Lee.
Murphy. J. M.
Murphy. Wm.
McLeod.
Marshall.
Merritt.
Miller.
Nunn.
Page.
Rankins.
Robinson.
Sarber.
Shrigley.
Shepherd.
Speers.
Stephenson.
Shepherson.
Storey.
Surber.
Warwick.
The Speaker.

Those who voted in the negative are:-

Messrs.

Berry. J. M.
Beasley.
Bridenthal.
Cox.
Chandler.
Chapman.
Crowley.
Cate.
Cunningham.
Ennis.
Eagle.
Foster.
Gist.
Gilbreath.
Garrett.
Hurley.
Lynch.

Messrs.

Latta.
McGehee.
Mcreigh.
Mahoney.
Mitchell.
Preston.
Pindall.
Reid.
Robertson.
Sumpter.
Stewart.
Shinn.
Shumate.
Tillar.
Shumway.
White.
Williams
Wright.

So the motion was agreed to.

And,

The House accordingly proceeded under the rule to consider the bill of the House (H. R. 310) entitled An act amendatory of and supplementary to an act to aid in the construction of railroads, approved July 2, 1868.

Which was read a third time.

Pending which,

Mr. Chapman at 30 o'clock and 43 minutes P. M. moved that the House adjourn, and also asked for the yeas and nays.

The question being put,

It was decided in the negative,— yeas 32, nays 44,

The yeas and nays being desired by five members,

Those who voted in the affirmative are:—

Messrs,

Berry, J. M.
Beasley,
Bidenthal,
Cox,
Chandler,
Chapman
Cate,
Cunningham.
Ezzard,
Eagle,
Foster,
Gist,
Gilmath,
Gorsett,
Hagler,
Lyles,

Messrs,

Latta,
McGehee,
McVeigh,
Mahony,
Mitchell,
Preston,
Pridgell,
Reid,
Robertson,
Sumpter,
Stewart,
Thomas,
Thurman,
Tillar,
Thornburg,
Wright.

Those who voted in the negative are:—

Messrs.

Berry, C. E.
Beardsley,
Bynum, Neal
Bynum, Chas. F.
Chapline.

Messrs.

Murphy, J. M.
Murphy, Wm.
McLeod,
Marshall,
Merritt

Messrs.

Cox
Cleveland,
Copeland,
Davis,
Fox,
Grissom,
Hankins. A. M.
Hankins. O. S.
Hankins. Messrs
Harris,
Joslyn,
Johnson. Adam
Johnson J. T.
Joyner,
Kingston,
Kent,
Lee,

Messrs.

Millen,
Nunn,
Page,
Rankins,
Robinson,
Saxby,
Shrigley,
Sharpsand,
Speare,
Stephenson,
Shepperson,
Sloan,
Sinder,
Warwick,
White,
Williams,
The Speaker,

So the House refused to adjourn.

The reading of the bill being concluded Mr. Cunningham renewed the pending amendment that the bill be amended by striking out section 4.

On motion of Mr. Hankinley

Under the operation of the previous question,

The amendment was rejected.

Mr. Reid at 3 o'clock and 50 minutes P.M. moved that the House adjourn.

Which was not agreed to.

Mr. Sumpter moved that the bill be referred to the Committee on the Judiciary with instruction to report an amendment to the bill. [The amendment submitted by Mr. Sumpter was subsequently taken from the clerk's desk by some person unknown and not returned.— Clerk.]

Mr. Hankinley moved the previous question which was seconded and the main question ordered, viz:- Shall the motion be agreed to?

Mr. Sumpter asked for the yeas and nays.

The question being put.

It was decided in the negative,— yeas 34. nays 41.

The year and nays being demanded by five members,

Those who voted in the affirmative are:-

Messrs,

Berry, J. M.,
Bidenthal,
Bott,
Chandler,
Chapman,
Conway,
Cate,
Cunningham,
Dunn,
Eagle,
Foster,
Gist,
Gilbreath,
Gossett,
Hagler,
Lyon,
Latta,

Messrs,

Mackey,
McNeigh,
Matheny,
Mitchell,
Preston,
Pizzdall,
Reid,
Robertson,
Sumpter,
Stewart,
Thurmond,
Thurmon,
Tillman,
Thursbury,
White,
Williams,
Wright.

Those who voted in the negative are:-

Messrs,

Berry, C. C.
Beardsley,
Bynum, Neal
Chapline,
Corbett,
Cleveland,
Copeland,
Dent,
Fox,
Gyllrath,
Greene,
Hankins, A. M.
Hankins, C. C.
Hankins, Monroe
Harris,
Irby,
Johnson, Adam
Johnson, J. H.
Kingsmore,

Messrs,

Murphy, J. M.
Murphy, Wm.
McLeod,
Marshall,
Merritt,
McAllen,
Nance,
Paige,
Rawlins,
Robinson,
Sauber,
Shipley,
Shippaul,
Spears,
Stephenson,
Shepperson,
Stacy,
Sumner,
Warnock,

Messrs. Kent, Lee, — Messrs. The Speaker,

So the motion was not agreed to,

Mr. Latta moved that the bill and pending amendment be referred to the Committee on Railroads, and also asked for the yeas and nays.

Mr. Yarkersley moved the previous question which was seconded and the main question ordered, viz; Shall the motion be agreed to?

The question being put,

It was decided in the negative. — yeas 35, nays 40.

The yeas and nays being desired by five members,

Those who voted in the affirmative are:-

Messrs.

Berry, J. H.
Beasley,
Breidenthal,
Coté,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham,
Erwin,
Eagle,
Foster,
Gist,
Gilbreath,
Jarrett,
Hagley,
Lynch,
Latta,

Messrs.

McGehee,
McVeigh,
Matheny,
Mitchell,
Preston,
Pindall,
Reid,
Robertson,
Sumpter,
Stewart,
Thomas,
Thurman,
Tillar,
Thornburg,
White,
Williams,
Wright.

Those who voted in the negative are:-

Messrs.

Beardsley,
Brown, Neal
Brown, Chas. F.
Chaplin,
Corbell,

Messrs.

Lee,
Murphy, Wm.
McCord,
Marshall,
Merritt,

Messrs.

Cleveland,
Copeland,
Davie,
Fox,
Furbush,
Grissom,
Hawkins, A. M.
Hawkins, O. S.
Hawkins, Mamie
Harris,
Irby,
Johnson, Adam
Johnson, J. M.
Kingston,
Kent,

Messrs.

Mullen,
Nunn,
Page,
Rankin,
Robinson,
Sasser
Shingley,
Shapland,
Spears,
Stephenson,
Shepperson,
Strong,
Turner,
Warnick
The Speaker,

So the motion was not agreed to.

After debate,

Mr. Turner moved that the bill be ordered upon its passage and also moved the previous question.

The question being put, Shall the main question be now put?

It was decided in the affirmation,—yeas 41, nays 37.

The yeas and nays being demanded by the Speaker (Mr. Sasser in the chair).

Those who voted in the affirmation are:—

Messrs.

Berry, C. C.
Beardsley,
Bunn, Seal
Bunn, Chas. F.
Chapline,
Corbell,
Cleveland,
Copeland,
Davie,
Fox,
Furbush,
Grissom,
Hawkins, A. M.
Hawkins, O. S.

Messrs.

Lee,
Murphy, J. M.
Murphy, Wm.
McLeod,
Marshall,
Merritt,
Mullen,
Nunn,
Page,
Rankin,
Robinson,
Sasser,
Shingley,
Shapland,

Messrs. Hoerner, Hourtens, Adams, Harris, Jordyn, Johnson, Adam, Johnson, L. M., Joyner, Kringetm,

Those who voted in the negative are:—

Messrs. Speas, Stephenson, Shepperson, Strong, Turner, The Speaker,

Messrs. Berry, J. M., Bentley, Bridenthal, Britt, Chandler, Chapman, Crowley, Cate, Cunningham, Ennis, Eagle, Foster, Gist, Gilbreth, Garrett, Hawley, Kent, Lynn, Latta,

Messrs. McGehee, McVeigh, Matheny, Mitchell, Preston, Pindall, Reid, Robertson, Sumpter, Sloan, Thomas, Thompson, Tillar, Thurmond, Warwick, White, Williams, Wright,

So the previous question was seconded and the main question ordered, viz: Shall the bill pass?

Mr. Latta made the point of order, That under the rules of the House that the bill could not be passed as it provided for the levying of a tax until after it had received its full discussion in the Committee of the Whole House.

The Speaker (Mr. Turner in the chair) ruled the point of order not well taken.

The question being then put, Shall the bill pass?

It was decided in the affirmative, — yeas 43, nays 35, not voting 4.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Beverley,
Bunn, Neal
Bunn, Chas. F.
Chapline,
Cobell,
Cleveland,
Copeland,
Davis,
Fox,
Fischbach,
Grissom,
Hankins, A. M.
Hankins, O. S.
Hankins, Mann
Harris,
Jolly,
Johnson, Adam
Johnson, J. M.
Joyner,
Kingston,
Kent,

Those who voted in the negative are:-

Messrs.

Berry, J. M.
Belarey,
Bridgeford,
Cox,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham
Ennis,
Eagle,
Foster,
Gist
Gilbreath,
Gorsett,
Hensley,

Messrs.

Lee,
Murphy, J. M.
Murphy, Wm.
McLeod,
Marshall,
Merritt,
Mullen,
Nunn,
Page,
Rankins,
Robinson,
Sinton,
Shipley,
Shipman,
Spears,
Stephenson,
Shepperson,
Stamey,
Turner,
Warwick,
The Speaker,

Messrs.

McAchee,
McKeigh,
Mallory,
Mitchell,
Preston,
Pridgen,
Reid,
Robertson,
Sumpter,
Stewart,
Brown,
Bunn,
Dillon,
Shumway,
White,
Williams,

Messrs. Lynn, Latta and three others not worthy are:-

Messrs. Wright, Wheat, Walker.

Messrs. Reynolds, Parrish, So the bill was passed

Pending the vote

Mr. Briden that (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: This bill is an infamous unmitigated steal,

[The second sentence of Mr. Briden that's explanation was stricken out by order of the House.- Journal of Friday, April 4, 1873.- Journal clerk.]

When the time shall come that I as a representation of the noble people of old Washington county, shall brand myself with infamy, by voting for such a measure, may the children who have sprung from my loins disown me, and their mother, in whose bosom I have for twenty years found solace, drive me from her presence; may the bolts of heaven crush and bury me to the spot, and the people of my county forever deny me the right of sepulture

In this terrible trial, I turn, thank God, one consolation. Early in the session, I was by the democratic caucus, made chairman and on this occasion which tried men's souls, of all who met with us in our democratic meeting, not one was wanting, not one out of his seat, but all stood solid against the infamy, stately and erect as the angels of God.

Mr. Coit (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: Inasmuch as the platform of the republican party, during the late canvass that a decrease of taxation would be had if said party was successful, and inasmuch as I was elected by an uncertain

vote on said platform, and believing this bill is in direct violation of the platform of the republican party by an increase of taxation, therefore, as a republican, desiring the future success of that grand old party, I vote no.

Mr. Cunningham (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

[The explanation of Mr. Cunningham was ordered out by order of the House. Journal of Friday, April 4, 1873. Journal Clerk.]

Mr. Kingston (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker- I desire to place the following explanation of my vote upon this bill upon the journals of the House:

I vote for this bill for the following reasons:

First - I believe that the state is now responsible for every dollar of bonds that have been or may be hereafter issued to any railroad under the existing law to aid in the construction of railroads.

Second - I believe that the roads cannot pay the interest on the bonds, and as the state is bound for the interest, it is the bounden duty of the state, in order to preserve its credit, to make some preparation for the payment of its interest.

Third - I believe that if this law does not pass, that in less than one year every line of railroad in the state will be sold under a first mortgage bond, and, therefore, the state lose every vestige of a lien on the roads, and leaving the bonds upon the market without any provision for the payment of the interest thereon.

Fourth - I am in favor of levying a sufficient tax to pay off all interest upon every kind of state securities, in order that the credit of the state may be saved.

Mr. Lynn (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker:- Having lived an honest man in the eyes of my fellow-beings for upwards of forty years, and never heavily been accused of

stealing anything, or of having ever received compensation for a dishonest act. I do not, at this late day of my life, propose to hand down to my children a name other than that of an honest man. Believing the bill now upon its passage an a scheme for robbing the state of millions of dollars, and of thrusting her into bankruptcy, thereby forever destroying the little credit she has been struggling the last six years to maintain, I cannot consent, with my vote, to this act and steal the very life blood of our young state. The bill under passage, and which will pass only by republican votes, is to all intents and purposes one of the most stupendous outrages ever perpetrated upon a free people, being unwarranted both by law and precedent. It carries in every line the brazen admission of fraud and highway robbery — of a corrupt and bold attempt, under the guise of law, to steal millions and millions of dollars from a poor and already impoverished state, condemning rascality, fraud and robbery in every shape. I vote no.

Mr. McAchen (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: In according my vote against this measure, I desire, as briefly as possible, to state the reasons that induce me to do so.

First — I believe that the bill is in direct conflict with the plain intent of section 16, article 10, of the constitution of this state.

Second, I know that if this bill becomes a law, it does not release the state from the issuance of the additional $6,200,000 bonds which the state proposes to issue under the law of 1868 passed to aid in the construction of railroads.

Third — There is an additional tax caused by the passage of this bill, and I cannot, as a Republican elected upon a platform pledging that party to retrenchment and reform, vote for this or any other additional tax.

Fourth — As a citizen interested in the welfare of the state, in its future progress

and its present property, I cannot consent to vote for a measure which burthens the state with a debt of one $12.000.000, without any corresponding benefit being derived from it. I will return to my constituency poorer than others, but with the proud satisfaction of having done right.

Mr. Jordyn (when his name was called) went to the clerks desk the following explanation of his vote, viz:-

Mr. Speaker:- Believing it would be to the interest of the tax-payers of the state, and that the cutting off of further issue of state aid bonds will save nearly seven millions to the tax-payers, I believe it my duty to vote aye.

Mr. McVeigh (when his name was called went to the clerks desk the following explanation of his vote, viz:-

Mr. Speaker:- First, the bill is unconstitutional, though one member of the supreme court seems to take an active interest in this measure, yet the majority of that court are honest enough to declare the law as it is; and that being beyond true, the bill will beyond doubt, be declared unconstitutional. [See section 16, article 10, constitution.]

Besides, the act granting aid to these railroads is not only the act of the legislature, but the act of the people. For under the constitution the credit of the state cannot be loaned without the consent of the people expressed through the ballot box, which consent was given upon the conditions contained in the bill, namely: section 4, and particularly that part thereof which says, 'with resources adequate to the purpose' etc. Also, section 5, including all the paragraphs, and sections 7 and 8. Now, anything short of the consent of the people, expressed in the same solemn manner, can relieve these companies.

Further, though the friends of the bill who seem to be so very much interested in this matter pretend - and it can only be called a pretense to talk about the saving the state from issuing the bonds proposed to be surrendered under this bill, it is not proposed to repeal the act commonly called the rail-road bill. Hence as soon as the said sum said is surrendered by these

companies, other companies will apply for and demand the amount thereof to them; and as soon as they get possession thereof they only have; under this bill to tender to the treasurer of the state full paid-up stock in such company, and they are released from all liability on account thereof. Now, this was not the understanding of the people when they voted for the aid law in 1868. Nor has the legislature the power without the consent of the people similarly expressed to change the proposition. The act is not only unconstitutional, but the governor and the courts will so hold. I vote no.

Mr. Reid (when his name was called) asked that his name be attached to the explanation of Mr. Lyon.

Mr. Pindall (when his name was called) sent to the clerk's desk the following explanation of his vote:

Mr. Speaker: The professed object of this bill rests alone in the imagination of its supporters, and is referred to in the whereases, but is not found in the bill itself. The desire to limit the state aid is expressed in the seventh whereas. It will be observed it was put there only for the purpose of deceiving and misleading the members of the General Assembly, as we find in the body of the bill no limitation of the future issue of state aid.

Section 1, of the bill provides that the railroads which have received state aid or become otherwise indebted to the state etc., which delivers certificates of full paid stock; etc. It will be found that much more is intended by this section than the framers of the bill intended to be understood.

First, railroads are authorized to exchange stock not only for the state aid bonds issued under the act of 1868; but the bonds issued previous to that time, especially those issued to the Memphis and Little Rock road. This road can exchange stock for its old indebtedness to the state. This is not all that is designed by this section. The annual taxes of the roads are but indebtedness to the state, which, under the terms of this act, is made payable in the stock of the roads. While other property holders have their taxes to pay, this act

is designed to exempt railroads from taxation; or, what is more, secure the obligation of the state to the annual amount of their tax, to the creditors of the road.

This act does not limit or prohibit the further issue of state aid, but simply releases the state from the supposed obligation to issue further aid to the roads accepting the provisions of this act, leaving the power complained of still existing. If a road accepts the provisions of this act, and releases its claim to further aid, some other companies may make application under section 3 of the act of 1868, and secure it,

Section 4 of the act imposes a tax on the people's property of three mills. Is that what was intended by the republican platform's pledge to reduce the taxes? If so it will do so a way by confiscating the peoples property — so they will have less to pay taxes on; hence their taxes will be reduced.

It is claimed that the state has a lien on the roads for these bonds; that they were donated to the roads, and that this act secures to the state the stock of the companies, and that this act relinquishes nothing that has not been already relinquished.

No men who know anything of the condition of these roads but what knows that the stock is not worth the paper it is written on. Then what advantage will it be to the state? None. What advantage to the roads?

In section 48, article 5 of the constitution, we find this provision: "In all cases each stockholder shall be liable over and above the stock owned by him or her, and any amount unpaid thereon to a further amount at least equal to the amount of such stock, The railroads, by this act, are exempted from liability on account of the six million state aid granted them, The Memphis and Little Rock road released from the old indebtedness, released from further taxation, and receive the credit of the state to the further

cuse of the stock received in exchange of the state aid and subsequent taxes, thus removing the limit of state aid, as made in the act of 1868, and extending the liability of the state to twenty-three million dollars and amount of subsequent taxes.

Under the act of 1868 has the state a lien or preferred claim on the railroads for the aid granted? Section 3 of that act provides that railroad commissioners shall receive application for loans of state credit (not donation).

Section 6 of the act provides for the issuing of the bonds, and how they shall be applied.

Section 7 requires the legislature to impose, from time to time, a sufficient tax on the roads to pay the interest on the bonds, and after five years from the completion of the roads a further tax of two and a half per cent, on the amount of bonds loaned to liquidate the bonds.

Is there any thing in these sections that looks like a donation? Is it not apparent to every sane man that the state has a preferred claim over any subsequent holders or mortgagees of the roads? First, by levying a direct tax to pay the interest; second, by levying a tax to pay the principal. It is claimed that the right may exist but the remedy is not sufficient. If this be admitted is it a reason why this legislature should surrender the right? But I submit that if the remedy to collect this tax is inadequate, it is within the power of this legislature to provide an adequate remedy. Where the right exists, the legislature can alter or change the remedy without violating the constitutional inhibition of impairing the obligations of a contract.

Has the general assembly the constitutional power to release these roads? Section 6, article 10, of the constitution, says that the credit of the state or counties shall never be loaned for any purpose without the consent of the people thereof, expressed through the ballot-box. The provisions of the act of 1868, are sub-

mitted to the people, and this aid was given by the authority of that act. The constitution prohibits the loan of the credit of the state by the general assembly; it can only be loaned by the people through the ballot box. The people have, upon the condition expressed, loaned the credit of the state to these railroads. Can the legislature alter the conditions of the loan any more than they can make a loan? It would seem clear that the power of the general assembly was limited, and this loan being made by the people through the ballot-box, it could only be altered or modified in the same way.

We have seen that these corporations were required to pay the interest and principal of these bonds, hence a debt of the corporations, and by section 16 of article 11, of the constitution, the state is prohibited from assuming it.

These bonds have been issued to these roads, and by them negotiated and are held by third parties. The act of 1868 was part of the contract to which these holders have become parties. Can two of the parties to a contract alter or change it without the consent of the third? Much less can the obligors release the security of the obligees without their consent. If it is true that the state cannot assume the debt of corporations, and this act releases the corporations, what else is it but repudiation?

Can it be said of any member of this legislature that he sold himself to this railroad for these bonds, which he by his own acts repudiates, thus writing himself down as not only a villain, but a fool, sold without money or without price, and the purchaser swindled at that?

Before the vote was announced,

Mr. Fairbrook sent to the clerk's desk the following explanation of his vote,

Mr. Speaker: Believing that this general assembly intends to pass this bill, and believing that the majority better understands the

matter therein contained thereof do, I am compelled to vote aye,

Mr. Stewart sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker:- In regard to a paramount issue of principle and duty that I owe, not only to myself but to my constituents who sent me here to represent their interests, as well as the proud home I feel in trying to protect the people of the state from the enormous taxation to which they are subjected, I feel bound by the above expressed view to oppose this bill.

I should feel sir, that I had been false to the principle of the great party to which I belong should I supine idly in my seat and permit a bill to pass this House involving a debt of $12,000,000, without solemnly protesting against its passage. Mr. Speaker, the vultures are still gnawing at the vitals of our emaciated and debt-ridden state and the links of the lame Lemnian are festering in her flesh. How long will she live thus?

I am in favor of all measures which will afford financial relief to the people of the state, that will protect them from rail road schemes which have for their object the impoverishment of the commonwealth. I am opposed to all bills which by their provisions enrich individuals, companies and corporations at the expense of the people.

Believing, sir, that this rail road bill contemplates by its provisions all that I have said in opposition to it, I vote no.

Mr. Dillon sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker:- I desire to say in explanation of my vote that, believing this measure an infamous one, and urged by selfish and corrupt men for selfish purposes; that its passage will be an outrage on the people I represent, and that it is a measure of repudiation on the one part and oppression on the other, I am proud to know that there are some men in this House that all the money of the railroad ring cannot buy. I vote no.

Mr. Charles F. Brown sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker:- In explanation of my vote I desire to say that it is my belief that, should this bill pass, it will not prejudice the people, but advance their interests, and the welfare of the state, I vote aye.

Mr. Thornburg sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker:- I am not fond of speechmaking, but when such measures as the one now before this House are attempted to be forced through, I cannot sit still and merely vote no, but, in behalf of that noble democracy of the Second district, I must raise my voice and protest in an earnest manner against such an outrage upon them; and I, Mr. Speaker, desire to reply to the gentleman from Phillips (Mr. Fox), who says that the bill does not saddle the liability of these companies upon the state, and that we can not avert the matter by taking the debt for stock in the roads. I assert here that we can, and, in my opinion, will by the passage of this bill avert the matter; for at present we hold a lien upon the roads and stock of these roads, and may take charge of them, as in the case of the Fort Smith road, and we are only responsible at most for the face value of the bonds with the interest thereon. But now let us see if we could not make it more. Section 48 of article 8 of the constitution says that in incorporated companies the stock holders are liable pro rata and upon the stock by him or her owned, and any amount unpaid thereon to a further sum at least equal in amount to such stock.

Now, you see, if we give them these bonds and take stock, we become stock holders in the companies, and responsible not only for the amount of the bonds, but for as much more; and I am sure we had better pay off the debt as it is, without adding as much more to it.

I am opposed to the bill for another reason- that it levies a direct tax of three mills upon the people, payable in currency; I am

ence the taxes are already high enough, and it would be wrong to pay off bond holders in currency and other less corrupt creditors in state scrip.

Mr. Speaker: I desire to refer to another matter in this bill, which I suppose, the framers of it thought was a very sharp thing. They say in one of the whereases, that it is to the interest of the state to limit the further issue of state aid to railroads; but how ingeniously they avoid saying any such thing in the bill. Knowing full well that a preamble could not become a law if passed. No Mr. Speaker, there is nothing in the bill prohibiting the further issue of bonds to any amount.

Believing, Mr. Speaker, that my people will be glad to see this explanation, and that I feel assured that any descendants will be proud to read it in after years. I ask that it be spread upon the journal as my protest against the passage of this bill.

Mr. Preston subsequently sent to the clerk's desk the following explanation of his vote, viz:—

Mr. Speaker: I cannot sanction this or any other measure that propose to levy any additional taxation on an already over burdened people when that levy is for the benefit only of a ring of speculators. I came to this assembly pledged to my constituency to use my best endeavors to mitigate their galling burdens. This measure proposes to release the railroads of their liabilities to the state entirely and virtually give over to a ring of speculators nearly $12,000,000. That may be by a literal construction of section forty eight of article six of the constitution increased to $23,000,000, and further to levy an additional burden of $300,000 per annum for this same ring of speculators, and accept in lieu thereof simply nothing and that too in face of the fact that the financial condition of the state and of the people, is on the verge of bankruptcy and ruin. I could not go back to my constituency and look them in the face after voting for such an iniquitous swindle upon their interests as this bill purports. I vote no.

The vote was announced as above.

Mr. Sarter moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table.

Mr. J. H. Berry asked for the year and nays.

The question being put, Shall the latter motion be agreed to?

It was decided in the affirmative. — Yeas 42, nays 33.

The yeas and nays being desired by five members,

Those who voted in the affirmative are:—

Messrs.

Berry, C. E.
Beardsley,
Bunn, Saul
Bunn, Chas F.
Chapline,
Corbell,
Cleveland,
Copeland
Davis,
Fox,
Firebaugh,
Grimm,
Hawkins, A. Mc.
Hawkins, O. S.
Hawkins, Moses
Harris,
Joslyn,
Johnson, Adam,
Johnson, J. H.
Kingston,
Kent,

Mess.

Lee,
Murphy, J. Mc.
Murphy, Wm.
McLeod,
Marshall,
Merritt,
Millen,
Noden,
Nunn,
Page,
Rawlins,
Robinson,
Sarter,
Shrigley,
Shepherd,
Spears,
Stephenson,
Shepperson,
Sturgy,
Turner,
Warwick,
The Speaker,

Those who voted in the negative are:—

Messrs.

Berry, J. H.
Beasley,
Bickmutual,
Cort,
Chandler,
Chapman,
Crowley,

Mess.

Mayhee,
McVeigh,
Mathews,
Mitchell,
Preston,
Pindall,
Reid,

Messrs,
Cate,
Cunningham,
Eagle,
Foster,
Gist,
Gilbreath,
Garrett,
Harley,
Lynch,
Latta,
So the motion to reconsider was laid on the table,
And then,
On motion of Mr. Turner,
The House, at 6 o'clock and 10 minutes P.M. adjourned,

Approved

Speaker,

Attest

Clerk,

Friday, April 4, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs, C. C. Benn, J. H. Berry, Chas. F. Bean, Beasley, Breidenthal, Chaplin, Cleveland, Copeland, Chandler, Chapman, Conley, Cate, Cunningham, Davis, Ennis, Eagle, Fox, Foster, Gist, Gilbreath, Garrett, Grissom, A. M. Hawkins, O. S. Hawkins, Monroe Hawkins, Harris, Harley, Jordyn, Adam Johnson, J. H. Johnson, Joyner, Kingston Kent, Lee, Lynch, Latta, Wm. Mountjoy, McLeod, Marshall, Mobley, Merritt, Mickler, McVeigh, Matheny, Mitchell, Inman, Preston, Pindall, Rankins, Reid, Robertson, Robinson, Shrigley, Sharpand, Shearn, Stephenson, Shepherson, Stump, Sumpter, Stewart, Thurman, Thomason, Tillar, Thornburg, White, Williams, Wright & Mr. Speaker.

The journal of Thursday was read.

Mr. Chaplin moved that the explanation of the vote of Mr. Cunningham on the passage of the bill of the House (H.R. 310) entitled An act amendatory of and supplementary to an act to aid in the construction of railroads approved July 21, 1868, be stricken from the journal.

Pending the consideration of the motion,

A message from the Senate by Mr. Orwick their secretary, viz:-

Senate Chamber, April 2, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage of (S.B. No 141) entitled An act entitled an act for selling certain lands to Jackson University and herewith transmit the same for your favorable consideration, also. (S.B. 106) entitled An act to quit titles and prevent conflict in the sale of land by the state of Arkansas and by the United States, also, of Sub. to Sub. for H.B 117) an act making an appropriation to pay members and officers of the general assembly, Also the bill (H.R. 245) entitled An act for the relief of collectors of revenue and for other purposes, which is herewith respectfully presented.

The question being on the motion that the explanation of the vote of Mr. Cunningham be stricken from the journal.

Pending the further consideration of the motion,

A message from his Excellency the Governor, by Mr. McCaleary his private secretary, who by unanimous consent read the same as follows, viz:-

Executive Department, Arkansas
Little Rock, April 3rd, 1873.

To the House of Representatives of Arkansas:

Gentlemen:- I have signed and approved House Bill entitled an act to authorize the county courts of the several counties of this state to appoint an internal improvement commissioner, also House Bill to be entitled an act for the relief of Cyrus L. Smith of Marion county, Arkansas also House bill entitled an act to

encourage the introduction of thorough-bred live stock into this state, all of which are herewith returned,

Elisha Baxter,
Governor of Arkansas.

After debate,

Mr. Neal Brown moved the previous question, which was seconded, and the main question ordered, viz:- Shall the explanation of Mr. Cunningham be stricken from the journal?

Mr. Sumpter asked for the yeas and nays. It was decided in the affirmative.— yeas 36, nays 34,

The yeas and nays being desired by five members,

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Brown, Neal
Bynum, Chas. F.
Chaplin,
Cleveland,
Copeland,
Dani,
Fox,
Grisson,
Hankins, A. M.
Hankins, O. S.
Hankins, Monroe
Harris,
Jaclyn,
Johnson, Adam
Johnson, J. R.
Kingston,
Lee,

Messrs.

Murphy, Wm.
Murphy, J. M.
McLeod,
Marshall,
Miller,
Page,
Rankins,
Robinson,
Sorter,
Shingley,
Sheppard,
Speers,
Stephenson,
Shepherson,
Storey,
Sumner,
Warwick,
The Speaker,

Those who voted in the negative are:-

Messrs.

Berry, J. R.
Beasley,
Bridenthal,
Cox,
Chapman,

Messrs.

Latta,
McVeigh,
McKinney,
Mitchell,
Preston,

Messrs.

Brumley,
Cate,
Ermis,
Eagle,
Foster,
Gist,
Gilbreath,
Gozett,
Harley,
Joyner,
Kent,
Lynn,

Messrs.

Pindall
Reid,
Robertson,
Sumpter,
Stewart,
Thurman,
Thurmon,
Tillar,
Thornburg,
White,
Williams,
Wright,

So it was ordered that the explanation be stricken from the journal.

Pending the vote,

Hon. Cunningham (when his name was called) asked, and by unanimous consent was excused from voting.

Hon. Pindall (when his name was called) rose to the clerk's desk the following explanation of his vote, viz:—

Hon. Speaker: I desire to say, in explanation of my vote, that some time ago the organ of the republican party charged in substance that there were members of this House who would not vote in the affirmation on any question except to adjourn, without a consideration, and that consideration not the blandits of the people. The representation from Ouachita (Hon. Millen) brought that language before this House, and had it placed upon the records of this House, to which the editor of that paper replied that ever since he was twelve years old it was his custom to command such men as the representation from Ouachita to obey, and that he had been rebellion before, but a few stripes from the lash would bring him to obedience,

Until these charges are so purged, I will not vote to strike from the journal the explanation

of the gentleman from Fulton. Vote no.

The vote was then announced as above.

Mr. L. H. Johnson moved that the explanation of the vote of Mr. Bridenthal on the passage of the bill of the House (H. R. 310) entitled "An act amendatory of and supplementary to an act to aid in the construction of railroads, approved July 21, 1868," be stricken from the journal.

After debate,

Mr. Chapman moved the previous question.

The question being put, Shall the previous question be now put?

It was decided in the negative.

So the House refused to order the previous question.

After further debate,

Mr. Yannick moved as an amendment that the second sentence in the explanation be stricken out;

Mr. L. H. Johnson accepted the amendment.

Mr. Yannick moved the previous question which was seconded, and the main question ordered, viz: Shall the second sentence be stricken from the explanation of Mr. Bridenthal?

Mr. L. H. Johnson asked for the yeas and nays.

The question being put,

It was decided in the affirmative, yeas 44, nays 15;

The yeas and nays being demanded by five members,

Those who voted in the affirmative are:-

Messrs.

Brown, Neal
Brown, Chas. E.
Chaplin,
Corbell,
Cleveland,
Copeland,
Chapman,
Cate,
Davis,
Faubush,
Foster,
Grissom,
Harrison, A. M.

Messrs.

Little,
Murphy, J. M.
Murphy, Wm.
McLeod,
Merritt,
Milburn,
Nunn,
Page,
Rankins,
Robertson,
Robinson,
Sartin
Shipley,

Messrs.
Hawkins, C.S.
Hawkins, Thomas
Harris.
Irby,
Johnson, Adam
Johnson, J. H.
Kingston,
Kent,
Lee.

Those who voted in the negative are:-

Messrs.
Berry, J. H.
Chandler.
Cunningham,
Ennis.
Eagle
Gantt
Harley.
Joyner.

Messrs.
Speed,
Stephenson,
Shepherd,
Strong,
Sumpter,
Thomas,
Warnock,
Wright.
The Speaker.

So the House ordered that the second sentence of the explanation of Mr. Briden that be stricken out.

Pending the vote.

Mr. Brantley (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

In explanation of my vote on this question I have to say that, although Mr. Briden that is one of my strongest friends, yet I cannot say the language is parliamentary, for I think it is unparliamentary, and should not have been uttered, but I believe it is the constitutional right of any member to protest, and use his own language in the protest, responsible, however, for any misuse or abuse of such right; and if it is decided unparliamentary, he may be censured or expelled for it, I vote no.

Mr. Harley subsequently sent to the clerk's desk the following explanation of his vote, viz:-

In voting no I do not intend to criticise the language used, or its literal construction, but simply that he had a constitutional right to protest.

Mr. McVay subsequently sent to the clerk's desk the following explanation of his vote, viz:-

Messrs.
McVeigh,
Matheny,
Mitchell,
Reid,
Shumaker,
Lynn,
Thornbury.

Mr. Speaker: I cannot confess that I think the language of the gentleman from Washington somewhat unparliamentary, I am not prepared to affirm that all the members of this House who voted for the railroad bill or steal; as it is now principally designated were influenced by corrupt motives. Mr. Bridenthal in a burst of indignation, stated a little too directly what I am grieved to believe is a very prevalent opinion in and about the city of Little Rock. Yet I think there are men who voted for this bill who are above the base temptation of a bribe, and I think it is but due to them to make this public declaration of my opinion. Yet as I believe that in so expressing himself the gentleman from Washington was exercising a constitutional right, believing that this House can not designate the language in which the gentleman should clothe his honest sentiments I am unwilling to impair that right by any vote of mine. As to whether members who voted for the railroad bill, or, to use the more popular designation the railroad steal have written themselves down as knaves and perjurers it is not in question for any of us to decide. Until competent evidence of the charge has been adduced, In the meantime the people, warped by prejudice, and not trammeled by Parliamentary rules, will form their own opinions, and express them in the honest manly phrase of language of their hearts. I vote no.

The vote was then announced as above,

Then
By unanimous consent,
On motion of Mr. Murdock,
Ordered, That the Journal of Thursday stand approved.

Mr. Shepperson sent to the clerk's desk the following explanation of his vote on the passage of the bill of the House (H. R. 310) entitled, An act amendatory of and supplementary to an act to aid in the construction of railroads, approved July 21, 1868 as follows:-

Mr. Speaker:- My explanation of my vote on the bill of the House (H. R. 310) — the railroad bill — I simply wish to say that I voted for the bill in good faith. I carefully noticed the debates for and against the bill and if the opposition opposed

any reason at all why the bill should not pass. If for me, was unable to see them, Mem, sir, making bitter arguments, and abusing others do not in my opinion prove any thing, and further, Mr. Speaker, I was and am informed by my reliable men, lawyers too, that this bill stops the further issuance of bonds, which I am decidedly in favor of. This bill also provides that the state of Arkansas shall have stock in said roads, which will surely be worth seventy three mills on the dollar, I believe, sir, that the very men who oppose the passage of this bill so bitterly to-day will ultimately find that it is in the best interests of our state, As to meeting my constituents, I assert that I can go to them with a spotless garment; It is always decided that it is a question whether under the existing laws, the state could hum them bonds to pay at any rate, It is an external fact that a man must be very wealthy indeed, before he can feel the burdens of this bill, if any there be, I feel that I am safe in saying, that there are not two-thirds of the taxpayers in this state that the passage of this bill will cost $25 a year, I could say much more but I deem it unnecessary, I do hope that it will be understood now and for all time to come, that I voted for the bill in good faith, If I am wrong, any time from it, and I will be ready to rectify, I had no idea that this bill would bring about the confusion it has, I had no idea that the opposing party believed so firmly as they seem to this morning, that I was so strong for this bill was indeed, I can clearly state that I know nothing of it.

Mr. Turbeville moved that the rules be suspended and that he be allowed to introduce a bill.

Which was not agreed to (two-thirds of the members present not voting therefor).

Mr. Warnock sent to the clerk's desk the following explanation of his vote on the passage of the bill of the House (H. R. 310) entitled an act amendatory to and supplementary of an act to aid in the construction of railroads approved July 21, 1868, which was read, as follows:—

Mr. Speaker: In accordance with previous notice, I herewith file an explanation of my vote on house bill No. 310, and ask that the same be spread upon the journal

The financial condition of the state is at a low ebb, and her securities a drug in the money markets of the world, This in my judgment is largely owing to the fact that a further issue of the bonds of the state to the amount of $6.200.000, may be made under the state aid law to railroads, approved July 21. 1868, without any adequate security to the state.

I maintain that under said act, first the state has no lien of any kind on the railroads to whom bonds have been issued, A careful examination of the act referred to fails to disclose any provision by which the state can assert any debt, or by which the holder of any bond can recover either the principal or interest from the railroad, These bonds are the direct obligation of the state, and so read on both bonds and coupons, and by the passage of this bill the state does not assume any new obligation,

By the law, the bonds are not the debt of the railroad to whom they are issued, nor is such railroad required to pay the interest thereon,

It will be seen by reference to section 7 of said act of July 21. 1868, that the legislature undertook to provide for the principal and interest of bonds issued thereby, by the levy of a special tax on the railroads receiving the bonds, and by section 7, in the event that said roads failed to pay such tax, then a sequestration of the revenues of the road should be had, This sequestration & money thereon could not take place for non-payment of interest, but for the non-payment of the tax, which tax so far has never been levied.

This leads to a second proposition, viz: that the imposition of the special tax therein imposed is unconstitutional, for two reasons, and hence the state is without remedy, The first reason is that by section 2 of article 10 of the constitution it is provided that laws shall be passed taxing by a uniform rule, etc, Now it cannot be maintained, either upon principle or authority, that the special tax so attempted or authorized to be levied on the railroads is taxation by uniform rule, The second reason is, that by the charters of

most of the roads receiving these bonds they are exempted from taxation, It has repeatedly been held by the highest courts of the land that provisions in charters of this kind are a contract between the state and the company and that no law can be enacted impairing the contract; and this has repeatedly been affirmed by the supreme court of the United States: it seems to me to be clear that so far as roads then situated are concerned, any such tax can be constitutionally imposed, I have always looked upon the act of July 21. 1868, as detrimental to the best interest of the state: that while by the act, the obligation of the state was certainly fixed, no provision was made requiring the roads to indemnify the state or assume the payment of either principal or interest, It is too late now to suggest what provisions such a law should contain, but I may suggest this, that if the law required the roads receiving these bonds to pay the interest and assume the principal, that the same should be a lien upon the roads, and required them to file their written obligation with the secretary of state to this effect, there would be some semblance of responsibility on their part; as it is, there is none.

The further issuance of these bonds is, in my judgment, absolute ruin to the state; and it is exceedingly doubtful whether, in the case of roads that have been awarded aid and have complied with the law by grading their road bed and providing the same with ties, can be denied bonds; but if, under the provisions of this bill, they accept its terms, the question will be beyond dispute, The state will absorb the grades, by securing the completion of the roads, thus quickening commerce, immigration, and adding immensely to the taxable property of the state,

The views here expressed, I have constantly asserted since the passage of the law in 1868, So thoroughly was I then convinced that in connection with the attorney general I undertook through the courts, to prevent their first issue, and holding, as I do, that to stop the further

nonuance of these mills is a necessity, and that this bill will have that effect, I vote Aye.

There are other measure decreasing the expenses of the state and counties, and must carefully husbanding the resources of the state, that I had hoped would pass before this bill, Trusting that they will become laws ere an adjournment is had, I have offered no resistance to the passage of the bill at this time.

Messrs. J. M. Fox, H. A. Millen, C. E. Berry, M. O. Kent, Benton Turner, J. B. Chapline, J. N. Barber, J. M. Murphy, W. L. Copeland, J. M. Linn, Tony Grimm, L. S. Corbell and P. M. Spears asked that their names be attached to the explanation of Hon. Warwick,

Hon. J. M. Berry, at 1 o'clock and 15 minutes P.M. moved that the House take a recess until 3 o'clock P.M.

Hon. Latta moved that the House adjourn,

Which was not agreed to,

The question recurring on the motion that the House take a recess until 3 o'clock P.M.

It was agreed to,

And

The House accordingly at 1 o'clock and 16 minutes P.M., took a recess until 3 o'clock P.M.,

After the recess,

The House met at 3 o'clock P.M.

And,

On motion of Hon. Mechrer,

The House at 3 o'clock and 1 minute P.M. adjourned

Approved

Speaker.

Attest

Clerk.

Saturday, April 5, 1873.

The roll being called it appeared that the following named members were present and un-

named to their names, viz:—

Messrs. Berry, J. H. Neal, Bunn, Chase, F. Brown, Beasley, Brideathal, Chaplin, Corbett, Colenland, Chandler, Chapman, Cowles, Cate, Cunningham, Ormis Eagle, Fenton, Foster, Gist, Gilbreath, Garrett, Giscomb, A. H. Hawkins, O. S. Hawkins, Monroe Hawkins, Harris, Harley, Joslyn, Adams, Johnson, J. H. Johnson, Jones, Kingston, Kent, Lee, Lynn, Mrs. Murphy, McLeod, Merritt, Mullen, McVey, Matheny, Mitchell, Preston, Pridall, Rawlins, Reid, Robertson, Robinson, Shipley, Sharpland, Spears, Shepperson, Stump, Sumpter, Stewart, Thomas, Thurman, Tibbals, Thornburg, White, Williams, Wright, The Speaker.

Prayer by the Rev. Mr. H. H. Gilliam.

The journal of Friday was read and approved.

Mr. Neal Bunn moved that the rules be suspended and that the House pass to the consideration of the joint resolution of the Senate (S. H. Res. 11) a joint resolution to appoint the bond of the sheriff, clerk and treasurer of Hempstead county,

Which was not agreed to (two-thirds of the members present not voting therefor).

Mr. Fox moved that the House proceed under the order of unfinished business to consider the bill of the House (H. R. 259) entitled, An act to establish a state library.

Which was not agreed to.

Under the rule,

Mr. Fox from the Committee on the Judiciary to whom was referred the bill of the House (H. R. 164) entitled "An act securing liens to mechanics, laborers and others, submitted the following report thereon recommending a substitute together with amendments thereto for the bill, viz:—

Mr. Speaker: The Committee of the House on the Judiciary to whom was referred House Bill No. 164, "An act to be entitled an act to regulate the mechanics and laborers lien," beg leave to report that they have had said

bill, and also a Substitute, therefor un-
der consideration and herewith return
the same with a recommendation that
the Bill do not pass. The following amend-
ments have been made to the substitute, viz:
Strike out section eight of the substitute and
insert in lieu thereof Sec. 19. Chapter 112 of
Gould's digest which is as follows "All the right
and title of the defendant to the land on which
any building, tenement or edifice shall be set
all as well as to a convenient space around
the same not exceeding two acres clear of the
building tenement or edifice, shall also be sub-
ject to the liens filed by virtue of the provisions
of this act and such right and title shall
be sold with the building, tenement, or edifice
as part of the property charged with the lien".
The passage of the substitute as amend-
ed is recommended.

Jno. W. Fox

Chairman.

The report of the committee was adopt-
ed and the amendments were accordingly
agreed to and the substitute reported back
in lieu of the original bill, and

On motion of Mr. Fox,

Ordered, That the bill be engrossed for
a third reading and be made special order
for 11 o'clock and 30 minutes A. M. of Mon-
day, April 7, 1873.

Mr. Fox, also, from the same committee, submit-
ted the following report, which was read, viz:-

Mr. Speaker:- The committee of the House on
the Judiciary have had under consideration a bill
entitled "An act defining the terms of the office of
sheriff in this state" which is offered for the con-
sideration of the House with the recommendation
that it pass.

Mr. Corbell moved that the report of the
committee lie on the table.

Mr. Trumpter asked for the yeas and nays.

The question being put;

It was decided in the negative, yeas 24, nays 41.
The yeas and nays being desired by five members.
Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Brown, Neal.
Chapline.
Corbett,
Cleveland,
Copeland,
Hawkins, C. S.
Hawkins, Thomas
Johnson, Adam
Johnson, J. N.
Livingston,
Lee,
Those who voted in the negative:-

Messrs.

Berry, J. H.
Brown, Chas F.
Beasley,
Bridenthal,
Chapman,
Cole,
Cummingham,
Crain,
Eagle,
Fox,
Foster,
Fitz,
Gilbreath,
Garrett,
Hinman,
Davis,
Harley,
Dobyns,
Dejnen,
Hunt,
Lyons,

So the House refused to lay the report of the committee on the table,

Then,

Messrs.

McLeod,
Marshall,
Myers,
Rankins,
Shrigley,
Shappard,
Speare,
Stephenson,
Sloan
Tinnin,
Wilkinson,
The Speaker,

Those who voted in the negative:-

Messrs.

Yates,
Murphy, Wm.
Merritt,
Miller,
Mecleigh,
Mahony,
Mitchell,
Page,
Preston,
Pindall,
Reid,
Robertson,
Robinson,
Shobbeson,
Sampter,
Thomas,
Thurman,
Tillar,
Thurman,
White,

Under a suspension of the rules for that purpose, Mr. Fox from the Committee on the Judiciary, introduced a bill (H.R. 320) entitled An act defining the term of the office of sheriff in this state.

Which was read a first time.

Mr. Neal Brown moved that the bill be rejected.

Which was not agreed to.

On motion of Mr. Mitchell.

The rules were further suspended (two-thirds of the members present voting therefor) and

The bill was read a second time by title.

Mr. Fox moved that the bill lie on the table and be made special order for 11 o'clock and 30 minutes A. M. of Monday, April 7, 1873.

Mr. Sanders moved as an amendment that one hundred and fifty copies of the bill be printed for the use of the House.

Which was not agreed to.

The question being on the motion that the bill lie on the table and be made special order for 11 o'clock and 30 minutes A. M. of Monday April 7. 1873.

It was agreed to.

Mr. Fox, from the same committee, to whom was referred the joint resolution of the House (H.J. Res. 23) a joint resolution to furnish the Fort Smith District with Supreme Court Reports, Digests, Codes &c. reported the same and recommended it's passage

On motion of Mr. Sanders

The joint resolution was read a third time and placed upon its passage.

The question being put, Shall the joint resolution pass?

It was decided in the affirmation, — yeas 65, nays none, not voting 17.

Those who voted in the affirmation are:-

Messrs

Berry, B. C
Berry, J. M.
Brown, Neal
Beasley
Bridges

Watts
Murphy, J. M.
Murphy, Wm.
McLeod,
Messick.

Messrs.

Chapline.
Corbell,
Cleveland.
Cox,
Copeland.
Chandler,
Chapman.
Crowley,
Cate,
Cunningham,
Eagle,
Fox,
Furbush,
Foster,
Gist,
Gilbreath
Gazette,
Grissom,
Hankins, N. C.
Hankins, U. S.
Hays,
Hurley,
Johnson, Adam,
Johnson, J. C.
Joyner,
Kingston,
Lee,
Lynn,

None voted in the negative.

Three absent or not voting as.

Messrs.

Reynolds,
Brown, Chas. F.
Lucas,
Ervin,
Hunt ains, Abner
Reynolds,
Joslyn,
Kent,
Marshall

Messrs.

Miller,
McVeigh,
Matthews,
Mitchell,
Sage,
Skelton,
Reid,
Robertson,
Robinson,
Barber,
Shipley,
Speaker,
Stephenson,
Shepperson,
Strong,
Sumpter,
Stewart,
Turner,
Thrower,
Thurman,
Tolbert,
Thornburg,
Warwick,
White,
Williams
Wright,
The Speaker

Messrs.

Redpath,
Brown,
Purcell,
Pyrtle,
Rankins,
Sheppard,
Wheat,
Walker

So the joint resolution was passed.

Also, from the same committee to whom was referred the bill of the House (H. R. 184) entitled An act to authorize the legal votes of school district No. 5. in Prairie county to levy a tax reported the same and recommended its passage.

On motion of Mr. Corbell.

Ordered, That the bill last reported be engrossed for a third reading and be made special for 11 o'clock A. M. of Thursday, April 10, 1873.

Also, from the same committee, to whom was referred the bill of the House (H. R. 275) entitled An act allowing equal pay to teachers in the same grade of the Public schools without regard to race or sex, reported the same and recommended a substitute therefor, entitled An act prohibiting school boards and school trustees from making any discrimination in salaries of male and female teachers of this state.

The report of the committee was adopted and the substitute was accordingly adopted in lieu of the original bill.

And,

On motion of Mr. Chapline,

The bill was read a third time and placed upon its passage

Before the roll was called,

The hour of 11 o'clock A. M. having arrived, being the hour set for the consideration of the report of the Committee on Counties and County Lines on the bill of the House (H. R. 202) entitled An act to establish the county of Lourke and for other purposes.

On motion of Mr. Eagle,

The consideration of the special order was postponed for the purpose of receiving and disposing of the reports of the Committee on the Judiciary

A message from the senate by Mr. Orrick their secretary, viz:-

Senate Chamber, April 4, 1873

Mr. Speaker: I am instructed by the

Senate to inform your honorable body of the passage of (House bill No. 138) entitled An act to be entitled an act to confer the right to take acknowledgements of deeds upon the clerks of the several counties of the state of Ark. and other purposes and herewith return the same, also (S. B. No 57) entitled A bill to be entitled an act to make an appropriation to improve Petit Jean river from its confluence with the Arkansas river to Dardanelle in Yell county in this state also, (S. B. No 149) entitled an act to prevent the issuance of fraudulent or spurious warehouse receipts, also (S. B. No. 143) entitled "A bill to be entitled an act to repeal so much of an act entitled an act in aid of internal improvements, approved April 8, 1869, as exempts certain railroad lands from taxation and for other purposes, and herewith transmit the same, also (H. R. No 91) entitled A memorial to the Congress of the United States to restore the right of preemption citizens of the state of Ark. for lands of the state surveyed, and marked off as a portion of the Indian Territory, also, (H. B. No 179) entitled An act to be entitled an act to authorize dissection in certain cases for the advancement of science.

The House having under consideration the substitute for the bill of the House (Sub. H. R. 278) entitled An act prohibiting school boards and school trustees from making any discrimination in salaries of male and female teachers in public schools of this state.

After debate.

Mr. J. H. Berry moved the previous question which was seconded and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative.

Yeas 55, nays 15, not voting 12.

Those who voted in the affirmative are:

Messrs.

Berry, C. E.
Berry, J. H.

Messrs.

Latta,
Murphy, J. H.

Messrs.

Brideau
Chapline.
Cobell.
Cleveland.
Coit.
Copeland.
Chandler.
Conway.
Fox.
Fyfe.
Gillis.
Gillespie.
Gillett.
Grissom.
Hankins. A. M.
Hankins. O. S.
Hankins. Munn.
Harris.
Harley.
Jolly.
Johnson. Adam
Johnson. J. H.
Joyner.
Kingston.
Knott.
Lee.

Those who voted in the negative are;-

Messrs.

Munn. Neal
Chapman.
Cate.
Cunningham.
Ervin.
Eagle.
Fuller.
Lynn.

Those absent or not voting are;-

Messrs.

Beardsley.
Bynum. Chas. T.
Beasley.

Messrs.

Murphy. Wm.
Marshall.
Medlenee.
Merritt.
Mullen.
McElveigh.
Mitchell.
Preston.
Rankins.
Robertson.
Raben.
Shipley
Speeds.
Stephenson.
Shepperson.
Stagg.
Sykes.
Stewart.
Turner.
Tillman.
Thornburg.
Waynick.
White.
Williams.
The Speaker.

Messrs.

Mayberry.
Young.
Reid.
Robinson.
Sheppard.
Thomas.
Wright.

Messrs.

Paye.
Tindall.
Parish.

Messrs. Davis, Hoyuls, Mc. Leod,

Messrs. Thomas, Wheat, Walker,

So the bill was passed.

Pending the vote,-

Mr. Bridenthal (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker:- I doubt very much whether this measure will accomplish the object intended. With all of my respect for woman, I still do great injustice to her, It is incontrovertibly true, that services equally valuable should be equally rewarded, whether performed by man or woman. I vote aye.

The vote was then announced as above,

Also, from the same committee, to whom was referred the bill of the House (H.R. 165) entitled An act to repeal section 1 of an act to establish a separate court of chancery at the seat of government so that cases of the state (including that against the trustees and officers of the Real Estate Bank, and those of individuals may be determined as early as practicable, approved January 15, 1855, and all acts amendatory thereof, reported the same with the recommendation that the bill be not passed.

And,

On motion of Mr. Fox,

Ordered, That the bill lie on the table.

Also, from the same committee, to whom was referred the bill of the House (H.R. 141) entitled An act to exempt Pulaski county from the operation of the law creating criminal courts in certain counties, reported the same with the recommendation that the bill be not passed,

And.

On motion of Mr. Neal Brown,

Ordered, That the bill lie on the table and be made special order for 11 o'clock A. M. of Tuesday, April 8. 1873.

Also, from the same committee, to whom was referred the bill of the House (H. R. 249) entitled An act to require public officers to furnish copies of records and other purposes, reported the same with the recommendation that the bill be amended as follows, viz:-

1st, After the word "offender" in line four from the bottom of Sec. 1. add "any paper that by law the officer is required not to make public"

2nd Strike out section two of the bill and insert in lieu thereof "Any person violating the provisions of section one (1) of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, and imprisoned in the county jail not less than twenty days nor more than ninety days".

3rd, Insert in the bill as section 3 the following, viz:- Any officer neglecting or refusing to perform the duties imposed on him by section one (1) of this act shall forfeit and pay to the party aggrieved treble the amount of damages he may sustain by reason of such neglecting or refusing, which may be recovered in a proper action or such officer's official bond, or against such officer individually.

4th, Section 3 of the original bill is made section 4 of the amended bill.

The report of the committee was adopted and the amendments were accordingly agreed to.

Mr. Fox moved that the bill be ordered engrossed for a third reading and be made special order for 11 o'clock and 30 minutes A. M. of Monday, April 7. 1873.

Mr. Chaplin moved as a substitute that the bill lie on the table subject to the call of the House.

Which was not agreed to.

The question recurring on the motion that the bill be ordered engrossed for a third reading and be made special order for 11 o'clock and 30 minutes A.M. of Monday, April 7, 1873.

It was agreed to.

On motion of Mr. Warwick,

The consideration of the special order postponed pending the consideration of the reports from the Committee on the Judiciary was further postponed for the purpose of receiving and disposing of reports from standing committees.

Then,

Mr. Kingston from the Committee on State Lands to whom was referred the bill of the House (H.R. 241) entitled An act to define the rights of purchasers of state lands reported the same with the recommendations that the bill be amended, by striking out, in section 1, all of the fourth line after the word "by" and, also, that section 2 be stricken out.

The report of the committee was adopted and the amendments were accordingly agreed to,

And,

On motion of Mr. J. M. Murphy.

Ordered, That the bill be engrossed for a third reading and be made special order for 10 o'clock and 30 minutes A.M. of Thursday, April 10, 1873.

Also, from the same committee, to whom was referred the bill of the House (H.R. 250) entitled An act to repeal an act to invest the swamp and overflowed lands in the Champagnolle swamp land district as stock in the Mississippi, Ouachita and Red River Railroad Company, approved January 16, 1861, reported the same and recommended its passage.

Mr. Warwick moved that the report of the committee be referred to the Committee on the Judiciary.

Pending the consideration of the motion,

On motion of Mr. Corbell.
The House, at 12 o'clock and 29 minutes. P.M. adjourned until 10 o'clock A.M., of Monday April 7. 1873.

Approved.

Speaker.

Attest

Clerk.

Monday. April 7. 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:—

Messrs. J. H. Berry, Neal Byrnes, Chas. T. Byrne, Beasley, Bidenthal, Chaplain, Corbell, Cleveland, Cobb, Copeland, Chandler, Chapman, Crowley, Cate, Cunningham, Davis, Erwin, Eagle, Fox, Epler, Frost, Gilbreath, Garrett, H. M. Hawkins, C. S. Hawkins, Henry, Hunters, Harris, Harley, Joslyn, Adam Johnson, L. M. Johnson, Joyner, Kingston, Kent, Lee, Lynn, Latta, Mann, Murphy, McLeod, Marshall, McGehee, Merritt, McVeigh, Matheny, Mitchell, Nunn, Page, Pretty, Pindall, Parish, Rankin, Reid, Robertson, Shipley, Sharp and Speary, Stephens, Shepperson, Stamy, Sumpter, Flynn, Thomason, Tillar, White, Wright.

The Speaker.

Prayer by the Rev. Mr. W. H. Gillam,
The Journal of Saturday April 5, 1873.
was read and approved.

Pending which,

Mr. Erwin moved that the Journal be amended by striking out the explanation of the vote of Mr. Bidenthal in the passage of the substitute for the bill of the House (No. R. 278) entitled An act prohibiting school trustees from making any discrimination in salaries of male and female teachers in public schools of the state.

On motion of Mr. Corbell,
Ordered, That the motion lie on the tab

The House resumed the consideration of the unfinished business pending at the hour of adjournment of Saturday, April 5, 1873,

Being on the motion that the report of the Committee on State Lands recommending the passage of the bill of the House (H. R. 250) entitled An act to repeal an act surveying the swamp and overflowed lands in the Champagnolle swamp land district as stock in the Mississippi, Ouachita and Red River Railroad Company, approved, January 16, 1864, be referred to the Committee on the Judiciary,

By unanimous consent,

Mr. Coit submitted a substitute for the above bill which was read entitled An act to amend section 1 of an act to survey the swamp and overflowed lands in the Champagnolle swamp land district as stock in the Mississippi, Ouachita and Red River Railroad Company.

The question being on the motion that the report of the committee be referred to the Committee on the Judiciary,

It was agreed to,

And,

By unanimous consent,

On motion of Mr. Coit,

The bill submitted as a substitute was also referred to the Committee on the Judiciary,

Under the order of unfinished business,

Mr. Kingston from the Committee on State Lands, to whom was referred the bill of the House (H. R. 303) entitled An act to quiet titles to lands purchased of the state of Arkansas reported the same with the recommendation that the bill be not passed,

And,

On motion of Mr. Kingston,

Ordered, That the bill lie on the table subject to the call of the House,

Also, from the same Committee to whom was referred the bill of the House (H. R. 302) entitled An act to require the pros-

for to make deeds in certain cases reported the same with the recommendation that the bill be not passed

And,

On motion of Mr. Sumpter,

Ordered. That the bill lie on the table subject to the call of the House.

Also, from the same committee, to whom was referred the bill of the House (H. R. 212) entitled An act for the relief of persons who purchased lands from the state of Arkansas after May 6, 1861, reported the same with the recommendation that the Bill be not passed.

And,

On motion of Mr. Barber,

Ordered, That the bill lie on the table subject to the call of the House.

Also from the same Committee to whom was referred the bill of the House (H. R 282) entitled An act to aid in the construction of the Helena and Iron Mountain Railroad reported the same and recommended its passage.

Mr. Cate moved that the bill be amended by striking out the words "Helena and Iron Mountain", wherever the words occur in the bill and inserting in lieu thereof the words "Iron Mountain and Helena".

Mr. Cleveland moved an amendment that the bill be amended by striking out the words "Helena and Iron Mountain" wherever the same occur and inserting the words "Batesville and Harrisburg" and further that all the lands forfeited to the state in the county of Independence be granted to the said Batesville and Harrisburg Railroad.

Pending which,

On motion of Mr. Barber

Ordered, That the bill and amendments lie on the table subject to the call of the House.

Also, from the same committee, to-

whom was referred the bill of the House (H. R 287) entitled An act donating and granting certain public lands of the state to the New Orleans, Little Rock and St. Louis Railroad, Company to aid in the construction of a railroad from Little Rock to the Louisiana Border, reported the same and recommended a substitute therefor (H. R. 321) entitled An act in relation to forfeited lands in certain counties,

On motion of Mr. Copeland,

The report of the committee was adopted and the substitute was accordingly adopted in lieu of the original bill.

By unanimous consent,

Under a suspension of the rules,

The substitute bill was read a first and second time and

On motion of Mr. Kingston,

Ordered, That one hundred and fifty copies be printed for the use of the House, and, also, that the bill lie on the table subject to the call of the House.

Under the rule,

Mr. Kingston, from the Committee on State Lands introduced a bill (H. R. 322) entitled An act in relation to Real Estate Bank lands,

Which was read a first time,

By unanimous consent,

Under a suspension of the rules

The bill was read a second time by title, and

On motion of Mr. Barber,

Ordered, That one hundred and fifty copies be printed for the use of the House and also that the bill lie on the table subject to the call of the House.

Mr. Warwick introduced a bill (H. R. 323) entitled An act to further provide the manner of foreclosing the mortgages executed to the Real Estate Bank,

By unanimous consent,

Under a suspension of the rules

The bill was read a first and second time by title, and
On motion of Mr. Sanders.
Ordered, that one hundred and fifty
copies be printed for the use of the House and
also that the bill lie on the table subject
to the call of the House.

Mr. Neal Burns introduced a bill
(H. R. 324) entitled An act to further
the manner of foreclosing the mortgages
executed to the Real Estate Bank.

By unanimous consent,
Under a suspension of the rules
The bill was read a first and second time by
title, one hundred and fifty copies ordered print-
ed for the use of the House and the bill was laid
on the table subject to the call of the House.

Mr. Mullen introduced a bill (H. R.
325) entitled An act for the relief of D. W. Lee.

By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second time
by title and referred to the Committee of Ways and Means.

Mr. Joyner moved that the House proceed
under the order of unfinished business, to consid-
er the bills heretofore sent to the clerk's desk
and on their first reading,

Which was not agreed to.

Mr. Gay from the Committee on Claims
to whom was referred the bill of the House (H. R. 275)
entitled An act for the relief of William H.
Johnson of Sebastian county, Arkansas,
reported the same, and submitted the fol-
lowing majority report thereon, viz:—

To the Speaker and House of Representatives of
the State of of Arkansas:—

Your Committee on Claims would
report in regard to House Bill No. 275 entitled
An act for the relief of Wm. H. Johnson, referred
to them on the 19th ult. that they find from
the evidence before them, consisting of the af-
fidavits of W. A. Johnson, L. E. Brackett, Thos.
H. Scott Wm Jas. A. Dare, Jas. M. Hankins and

others that the amount of $3620.00 principal and about $500.00 interest in treasurer certificates of this state and which was the property of W. H. Johnson was destroyed by fire at Fort Smith Ark on the 14th day of September 1872, this being a legal and just debt of the state, and there being no reason why Mr. Johnson should lose this account and the state take advantage of his loss, and further as by the return of this account the indebtedness of the state will not be increased nor the taxes rendered greater, we would therefore recommend the passage of the Bill,

R. F. Page,
Chairman
J. M. Murphy,
J. L. Sumpter,
W. B. Cox,
L. S. Cornell,

Mr. Thornburg, from the same committee submitted the following minority report thereon, viz:-

Mr. Speaker; The undersigned a member of your committee on Claims to whom was referred House bill No. 275 A bill for the relief of W. H. Johnson beg leave to report that he cannot in the statement of facts as made by the majority of your committee but suggests that it would be a dangerous precedent to set, to make appropriations for destroyed or lost scrip especially when the numbers are not known as there could be no security or assurance that the same brides of scrip would not on some occasion be presented for payment, I cannot therefore recommend its passage and am unwilling to recommend that it do not pass, therefore make no recommendation

Respectfully
Geo. Thornburg.

On motion of Mr. Cornell,
The report was committed to the Com-

mittee on Claims.

Mr. McLeod from the Committee on Enrolled Bills reported correctly enrolled the substitute bill of the House (Sub. Sub. H. R 117) entitled an act making an appropriation to pay the officers and members and contingent expenses of the General Assembly which convened on the sixth day of January 1873.

Also, the bill of the House (H. R. 138) entitled An act to confer the right to acknowledgement of deeds upon the clerk of record of all counties of the state, and for other purposes.

Also the bill of the House (H. R. 163) entitled An act to prevent sheriffs and collectors from selling land or returning persons and property as delinquent, when taxes have been paid, and to punish the same.

Also, the memorial of the House. (H. Mem. 9) A memorial to the Congress of the United States to restore the right to, or compensate citizens of the state of Arkansas for, lands surveyed and marked off as a portion of the Indian Territory.

Mr. Beasley from the Committee on Auditor's and Treasurers Books, submitted the following report, which was read, viz:-

Mr. Speaker: Your Committee on Auditor's and Treasurer's Books, having made a careful examination of the books and accounts of said officials respectfully submit the following report:

In the auditor's office we find the books well and systematically kept, and vouchers for all warrants issued by the auditor during the time covered by his last biennial report. In a former report we called the attention of your honorable body to the condition of the field notes and other records, and recommended a bill for their preservation, which we still recommend to your favorable consideration.

Your committee have also found the accounts in the treasurer's office correct

and corresponding with his last biennial report, with the exception of two calculations of interest in very trifling, which do not materially affect the interests of the state — one being in favor of the bondholder, and the other in favor of the state, and offsetting each other within a few dollars. The coupons detached from the bonds issued to the different railroad companies in the state are found to have been correctly detached cancelled and recorded.

We have thoroughly examined the accounts of the treasurer on account of auditing warrants paid, and find all the warrants filed in the office and stamped with the date of redemption.

Owing to the incomplete tabular statement of the sinking fund in the printed reports, your committee have made a careful examination into the condition of said fund and the payment of interest on the funded debt of the state. We find that there has been received into the treasury in currency on account of the sinking fund, since the creation of the same, the sum of $315,005, (not including amounts borrowed in New York), and we find from satisfactory evidence that there has been paid in United States currency interest on the funded debt amounting in all to $462,943, showing an amount paid of $147,938, in excess of the amount received, which balance is due the Union Trust company, of New York, together with interest thereon, said company being the financial agent of the state for the payment of interest on the funded debt.

Said company hold as collateral security for the amount thus advanced the three hundred bonds of $1000 each, authorized by act of March 20, 1871. Said company also hold in their possession paid coupons of the state bonds amounting to $416,320 according to their statement. The treasurer is not authorized to take credit in his accounts for such payments on account of the funded

debt interest until the coupons are returned and certified to the auditor, and this accounts for the balance of currency apparently in the treasury, on account of sinking fund according to the auditor's and treasurer's reports.

There is in the treasury on the sinking fund account the sum of $217,067.27 in the auditor's certificates received on that account prior to the passage of the act requiring all payments of interest on public debt to be in United States currency.

These certificates not being available, either to pay the interest or as collateral pledges to raise loans, explains the deficiency in the provision here to for made to pay the interest on the public debt. In this connection your attention is called to the annexed telegram; also to tabular statements Nos 1. 2 and 3 herewith attached as part of this report.

New York, April 8. 1873.

To Henry Page Treasurer.

The interest on the funded debts of the state of Arkansas has been paid, excepting that which may due on the 1st of January, 1873. and the total amount paid by this company is $416.320.00

Number One,

Memorandum of transfer to the general revenue fund.

When transferred	From What Fund	U. S. Currency	State Scrip	Auditors Warrants
4th qr. 1870	Military Fund,	1003.90	5946.40	9356.54
1st " 1871	Military Fund,	81.30	465.48	
2nd " 1871	Military Fund.		49.08	
3d " 1871	Military Fund.		79.17	
4th " 1871	Military Fund,		38.44	
1st " 1872	Military Fund		91.61	
2nd " 1872	Military Fund	.33	60.38	
3rd " 1872	Military Fund		4.08	
2nd " 1871	School Fund	418.77		

3d " 1871	School Fund	610,00		
Total		2114,30	60544,64	9336,54

The transfer from the military fund was to replace moneys paid from the general revenue on account of military expenditure, in accordance with the act authorizing said expenditure prior to the time the tax levied for military purposes was collected,

For balance of transfers see explanation to statement No. 2.

Number Two.

Memorandum of transfers to the sinking fund.

When Transferred	From what Fund,	U. S Cur'cy.	State Scrip.
2d quarter, 1871	School fund	$336,97	
3d quarter, 1871	School fund	476,85	
2d quarter, 1871	General rev'nue	2417,49	$3351,18
3d quarter, 1871	General rev'nue		17,72
		$3257,31	$3368,90

The above transfers are occasioned by collectors equaling in money from time to time, or by other parties paying in money to their credit on certain accounts, but in final settlement with the auditor, cases frequently occured where one account was unpaid and another was delinquent, In such cases the transfers are made in the auditors and treasurers offices, to balance the accounts.

Number Three.

Memorandum of transfers, and loans to the school fund.

When transferred, etc.	From what fund	U. S. Cur'cy	S. S.
4th qr. 1870	Borrowed from Permit school fd	$4778,21	
2d qr. 1871	Sinking fund		$314,01
2d qr. 1871	General revenue		4397,77
3d qr 1871	General revenue		1388,76
3d qr. 1871	Sinking fund		137,12
Total		4778,21	$6437,66

The $4778,21 shown as borrowed from the

permanent school fund, was erroneously paid into the common school fund in excess of the amount to credit of said fund and must be replaced again in the permanent school fund as soon as the money is paid in on account of the common school fund. A portion of this has already been returned; the balance will be as soon as possible.

For explanation of balance of transfers see explanation to statement No. 2.

As far as our time would permit, we have proceeded to examine cancelled scrip and the records relating thereto, and find the records in good condition - well kept, and interest correctly computed.

Owing to the large amount of cancelled scrip in the treasurers office, it has been impossible for us to make a thorough examination of it by comparing the same with the records thereof.

On motion of Mr. Fox,

Ordered, That one hundred and fifty copies be printed for the use of the House and that the further consideration of the report be made special order for 11 o'clock A.M. of Wednesday, April 9, 1873.

Mr. C. E. Berry from the Committee on Counties and County Lines to whom was referred the Bill of the House (H.R. 280) entitled An act to create the county of Standin and for other purposes, reported the same and recommended a substitute therefor entitled An act to create the county of Faulkner and for other purposes

The report of the committee was adopted and the substitute was accordingly adopted in lieu of the original Bill.

And,

On motion of Mr. Turner.

The substitute bill was read a third time and placed upon its passage

After debate,

Mr. Chaplin moved the previous ques

tion which was seconded. and the main question
ordered, viz: Shall the bill pass?
The question being put,
It was decided in the affirmation. — yeas 53
nays 13. not voting 17.
Those who voted in the affirmation are:-
Messrs.

Brown. Neal
Brown. Chas. F.
Bridgenthal,
Chapline.
Cleveland.
Copeland,
Chandler.
Chapman.
Crosby,
Cate.
Eagle,
Fox.
Furbush,
Fizer.
Gist,
Gilbreath,
Greenup.
Hawkins. A. M.
Hawkins. O. S.
Harris.
Jozlyn.
Johnson. Adam
Johnson. J. M.
Kingston,
Kent.
Lee.

Humphrey. J. M.
McLeod,
Marshall,
Merritt.
Mullen.
McNeigh.
Mitchell.
Nixon.
Page.
Preston.
Rankins.
Ryfenburg.
Robinson.
Sayer,
Shrigley.
Speed.
Stephenson,
Shepherson,
Sunny.
Tucker,
Thorn.
Thornburg.
Yancrick,
White.
Williams.
The Speaker.

Those who voted in the negation are:-
Messrs;

Berry. J. M.
Cunningham,
Ennis.
Jozett,
Ogden,
Lyon.
Matheny

Pindall,
Reid.
Shapland.
Thomson,
Tilden,
Wright.

Those absent or not voting are:-

Messrs.

Berry. H. E.
Brandsley.
Brearley.
Bothell.
Bozt.
Davis.
Dennis.
Dymes.
Latta.

Messrs.

Memphy. Wm.
McGehee.
Parrish.
Sampter.
Stewart.
Hawkins. Monroe
Wheat.
Walker.

So the Bill was passed.

Mr. Dennis moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

A message from the Senate by Mr. Orick their secretary.

Senate Chamber April 7, 1873.

Mr. Speaker:- I am instructed by the Senate to inform your honorable body of the passage of (S. B. No 136) entitled A bill to be entitled an act to provide for the clerks of circuit courts in certain counties and define their duties, and herewith transmit the same for your favorable consideration.

Also, from the same committee to whom was referred the bill of the House (H. R. 236) entitled An act to create the county of Howard and for other purposes, reported the same and recommended its passage.

On motion of Mr. Kingston

The Bill was read a third time and placed upon its passage.

After debate,

Mr. Robinson moved the previous question, which was seconded, and the main question ordered, viz: Shall the Bill pass?

The question being put,

It was decided in the affirmative.- year 37, nays 19, not voting 26.

Those who voted in the affirmative are:-

Messrs.

Brown. Neal

Messrs.

McGehee

Messrs.

Brown, Chas. F.
Chapleau,
Cleveland,
Copeland,
Chapman,
Ennis,
Fox,
Funduk,
Foster,
Hannis, A. M.
Hankins, O. S.
Joslyn,
Johnson, Adam
Johnson, J. N.
Kingston,
Lee,
Murphy, J. M.
MacLeod,

Messrs.

Merritt,
Millen,
Mitchell,
Nunn,
Rankins,
Robinson,
Sadler,
Shipley,
Sheppard,
Spears,
Stephenson,
Storey,
Turner,
Warnock,
White,
Williams,
The Speaker,

Those who voted in the negative are:-

Messrs.

Berry, J. N.
Birkenthal,
Brandson,
Cunningham,
Eagle,
Ebbett,
Grisson,
Harley,
Kent,
Lynn,

Messrs.

McVeigh,
Mahaney,
Purtan,
Pringle,
Reid,
Robertson,
Shepherd,
Thomson,
Tilbe,

Those absent or not voting are:-

Messrs.

Berry, C. E.
Bardsley,
Beasley,
Corbett,
Cort,
Cowley,
Cate,
d'Orsonnens,
Gust,

Messrs.

Joynes,
Latta,
Murphy, Wm.
Marshall,
Page,
Parish,
Symington,
Stewart,
Thomson

Messrs. Gilbreath, Hendricks, Morris, Norris, Wynde, Mason, Hunnings, Wheat, Walker, Wright,

So the bill was passed.

Pending the vote,

Mr. Preston (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker:- From the strength of the remonstrances presented in this case I am compelled to oppose the passage of this bill. I have been governed in my action upon bills of this character, by this rule, that where a large majority of the people in the territory to be affected are in favor of the passage of the act I have voted in the affirmative unless as in this case it was plain that a very respectful minority would be seriously injured by the passage of this act. I vote no.

Mr. Shepperson (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: I oppose the passage of House Bill No. 236 for which I will give the following specified reasons:

First, Because, we have not yet recovered from the effects of the creation of the county of Stevens, a part of which was taken from the said county of Hempstead.

Second, Because that part of the territory proposed to be taken from Hempstead county and to be added to the new county, is the most valuable portion of Hempstead county.

Third, Because, such action on the part of this legislature will be detrimental to the remaining portion of the said county of Hempstead.

Fourth, Because, we are not satisfied of the creation of such county until, by necessity, claiming it as one of our greatest rights to be satisfied of the cutting off of any part of our territory, or the changing of the boundary lines of our

county, in any respect.

Fifth. Because, since the movement has been on foot, we have been petitioned by a large number of citizens who are land holders and living in all portions of the said county of Hempstead.

Sixth. Because remonstrating against said county, all remonstrate against the creation of the the said new county by taking any part of the territory of said county of Hempstead

Seventh. Because if we had been notified of the intention to create the said new county we would have been able to show why it should not be done and show that the creation of said county of Howard will have a tendency to unsettle Hempstead county. I now ask in the name of Justice and in the name of the people and above all in the name of God that this Legislature do not pass such a bill.

The vote was then announced as above.

Mr. Finger then moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table, which latter motion was agreed to.

Also, from the same committee, to whom was referred the bill of the House (H. R. 192) entitled An act to define the lines between the counties of Prairie and Monroe in the state of Arkansas, reported the same and recommended its passage.

On motion of Mr. Fox,

Ordered, That the further consideration of the bill and report be postponed until until 11 o'clock and 30 minutes A. M. of Thursday, April 10, 1873.

Also, from the same committee, to whom was referred the bill of the Senate (S. 147) entitled An act to define the boundary lines between Sebastian and Pulaski counties and for other purposes, reported the same and recommended its passage.

By unanimous consent,

On motion of Mr. Chaplin,
The bill was read a third time by title and placed upon its passage.
The question being put, Shall the bill pass?
It was decided in the affirmative,— yeas 80, nays 1, not voting 31.
Those who voted in the affirmative are:—

Messrs.

Berry, J. H.
Brown, Neal
Brown, Chas. F.
Bridenthal,
Chaplin,
Cobell,
Cleveland,
Cox,
Copeland,
Chandler,
Chapman,
Cummingham,
Eagle,
Fox,
Funkhouser,
Foster,
Gist,
Gossett,
Grimm
Hopkins, O. S.
Harley,
Jarboe,
Johnson, Adam,
Johnson, J. H.,
Joyner,

Messrs.

Kinyoun,
Lyons,
Latta
Murphy, J. H.
Marshall,
Merritt,
Miller,
McVeigh,
McAtee,
Mitchell,
Owens,
Parker,
Shipley,
Speaks,
Stephenson,
Shepherson,
Story,
Sinclair,
Tilden,
Thornburg,
Saunders,
White,
Williams,
Wright,
The Speaker,

Voting in the negative
Mr. Pindall,
Those absent or not voting are:—

Messrs.

Berry, B. E.
Bedsaddy,
Beasley,
Brawley,

Messrs.

McGehee,
Paige,
Preston,
Parish.

Messrs.

Bate,
Davis,
Ervin,
Gilbreath,
Hankins, A. Mc.
Hopkins, Messrs
Harris,
Reynolds,
Revel,
Lee,
Mcmurphy, Mrs.
Mcleod,

Messrs.

Rawlins,
Reid,
Roberson,
Robinson,
Sharpard,
Stewart,
Turner,
Thorne,
Thomas,
Wheat,
Walker,

So the bill was passed.

Mr. Chaplin moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table, which latter motion was agreed to.

Mr. C. E. Berry from the same committee, to whom was referred the bill of the House No. R. 39 entitled "An act to create the county of Stone, and for other purposes, reported thereon with the recommendation that the bill be amended as follows, viz:-

That the words in the second section of said bill "or until their election at the special election provided for in this act" be stricken out.

That the third section be amended so as to read as follows "The probate courts of said county shall be held on the first Thursday after the first Monday in January, April, July and October and the salary of the probate judge of said county of Stone shall be two hundred and fifty Dollars per annum unless otherwise provided by law."

And the words "county court" be stricken out wherever they occur in said bill and the words "Board of Supervisors" be inserted, and that where the word "court" appears that it be stricken out and the word "Board" be inserted

That section eleven of said bill be a-

mended so as to read as follows:

That the boundary lines between Fulton county and Izard county and Independence county be changed as follows, beginning at the point where range line dividing ranges nine and ten crosses township line dividing townships nineteen and eighteen thence east by said township line to range line dividing six and seven, thence south by range line dividing six and seven to township line dividing townships fifteen and sixteen thence west to the north west corner of section one, thence on a direct line to the middle of the main channel of White river at north west corner of section fifteen in township fourteen north of range eight west.

That section seventeen be amended as follows. The governor shall order an election to be held in said county on the — day of — in 1873 for the purpose of locating the seat of justice of such county.

By unanimous consent.

Mr. J. H. Berry submitted a bill with similar provisions as a substitute, and also moved that the bill be adopted as a substitute for the original bill.

Mr. Fox moved that the further consideration of the subject be postponed until Friday April 11, 1873.

Which was not agreed to.

The question being on the motion that the bill submitted as a substitute be adopted in lieu of the original bill.

It was agreed to,

And,

By unanimous consent,

On motion of Mr. J. H. Berry,

The substitute bill was read a third time and placed upon its passage,

The question being put, Shall the bill pass?

It was decided in the affirmative, by yeas 49, nays 1, not voting 32,

Those who voted in the affirmative are:-

Messrs.

Berry, L. E.,
Berry, J. M.,
Beasley,
Bridenthal,
Chapline,
Copeland,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham,
Eagle
Firebrace,
Foster,
Gist,
Grissom,
Hankins, A. M.
Harley,
Irby,
Johnson, Adam
Johnson, J. M.
Kingston,
Kent,
Lynn,
Murphy, J. M.,

Messrs.

McLeod,
Mengett,
Mullen,
Mahoney,
Mitchell,
Nunn,
Preston,
Rawlins,
Reid,
Robertson,
Robinson,
Sadler,
Shipley,
Speake,
Stephenson,
Shepherson,
Sturgis,
Symington,
Thurman,
Tillman,
Thornberry,
Warnick,
Wright,
The Speaker,

Those voting in the negative, Mr. Gossett,
Those absent or not voting are:-

Messrs.

Beardsley,
Brown, Paul
Brown, Chas. F.
Cabell,
Cleveland,
Coit
Davis,
Ennis,
Fox,
Gilbreath,
Hankins, O. S.
Hawkins, Mason,

Messrs.

Latta,
Murphy, Chas
Marshall,
McCluskey
McHugh,
Page,
Pindall,
Purnell
Shapland,
Stewart,
Tyree,
Thomas.

Messrs Harris,
Reynolds,
Rogers,
Lee,

Messrs. White,
Wheat,
Walker,
Williams,

So the bill was passed.

A message from the Senate by Allen Orsick their secretary, viz:-

Senate Chamber, April 7, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage of (S. B. No 165) entitled an act to authorize the counties of Randolph and Clayton to make appropriations to improve the navigation of Black river in said counties and herewith transmit the same for your favorable consideration.

By unanimous consent,

Mr. Scruggs moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table, which latter motion was agreed to.

Mr. Sadler from the Committee on Railroads, to whom was referred the bill of the House (H. R. 157) entitled An act to regulate freights, fares, mileage &c. on all railroads in the state of Arkansas, reported the same with the recommendation that the bill be amended.

Before the amendments were read.

On motion of Mr. Kent,

The House at 1 o'clock and 1 minute P. M. took a recess until 7 o'clock and 30 minutes P. M.

After the Recess.

The House met at 7 o'clock and 30 minutes. P. M.

The roll being called it appeared that the the following named members were present and answered to their names, viz:-

Messrs. C. E. Berry, J. H. Berry, Neal Burns, Brearley, Brideuthal, Chapline, Cornell, Cleveland

Copeland, Chandler, Chapman, Conley, Cate, Cunningham, Davis, Ennis, Eagle, Fox, Foster, Gist, Gilbreath, Garrett, Hankins, A.M. Hankins, O.S. Hankins, Mann, Mars, Jarboe, Adam Johnson, J.M. Johnson, Kingston, Latta, McCord, Marshall, McAlee, Merritt, McVeigh, Matthews, Mitchell, Nunn, Preston, Pindall, Rankin, Reid, Robertson, Robinson, Shipley, Shepherd, Shepherson, Shinn, Sumpter, Summerhammer, Thurman, Thornburg, Warwick, White, Wright, & the Speaker.

The House proceeded, under the order of unfinished business, to consider the bills, joint resolutions and reports of standing committees heretofore sent to the clerk's desk, and not having been read, as follows

Mr. J. M. Berry, from the Committee on Federal Relations, to whom was referred the memorial of the House (M. Berry) to memorial to the Congress of the United States asking that the State of Arkansas be allowed the benefits of the bankrupt acts, reported the same, and submitted the following report thereon, viz:-

Mr. Speaker: Your Committee on Federal Relations to whom was referred House memorial No — memorializing the Congress of the United States to so amend the bankrupt law as to allow the state of Arkansas the benefit thereof, have had the same under consideration and would beg leave to submit the following statement,

That in the earlier days of the republic it was held and believed by Jefferson, Madison, Clay, Calhoun and others (who at that time were thought to be statesmen of ability but are now held by modern politicians to have been old fogies) that a state was sovereign, and not liable to be sued as ordinary individuals, But this idea having been long since exploded, and it now being an established fact that the state of Arkansas is a subject of the general government and her local affairs are controlled thru

by, and that she is liable to all the pains and penalties that may be inflicted by execution, distress warrants, military sales and other process used by the government of the United States to enforce its orders and decrees, and the debt of said state of Arkansas having been swelled to such an extent by the passage of Levy and Holford Bond bills and likely to be further increased by railroad bills that it will be utterly impossible for the people to pay the same, and there being no other mode known to your committee by which said indebtedness may be liquidated except bankruptcy. They would respectfully recommend the passage of said memorial.

J. W. Berry,
Joseph Wright,
W. M. Bynum,
James M. Gist,
Majority of said committee.

Mr. Fox moved that the report of the committee lie on the table

Mr. Rividall asked for the yeas and nays.

The question being put,

It was decided in the affirmative,—yeas 27, nays 24.

The yeas and nays being desired by five members.

Those who voted in the affirmative are:-

Messrs.	Messrs.
Berry, E. E.	McLeod,
Blunn, Neal	Rankins,
Chapline,	Robinson,
Cybell,	Shipley,
Eberhard,	Sheppard,
Copeland,	Speers,
Cate,	Stephenson,
Fox,	Sturm,
Hankins, A. M.	Snyder,
Hankins, O. S.	Thurman,
Innis,	Warnick,

Messrs.

Jordyn,
Joynes,
Kingston,

Messrs.

White,
The Speaker,

There who voted in the negative are:-

Messrs.

Berry, J.H.
Beverley,
Breckenridge,
Chandler,
Chapman,
Cunningham
Ennis,
Eagle,
Gist,
Gilbreath,
Jarrett,
Harley,

Messrs.

Johnson, J. H.,
Latta,
McGehee,
McElroy,
Mitchell,
Preston,
Pindall,
Reid,
Robertson,
Shepperson,
Sumpter,
Thurman,

So the report of the committee was laid on the table

Pending the vote;

Mr. Pindall (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: As this is a question of finance, before voting I desire to notice briefly the finances and expenditures of the State. Finance and taxation are the most delicate and intricate questions that legislatures have to consider, While it is their duty on one hand to protect the credit of the state, and provide for the support of the government, it is unless their duty to protect the tax-payer from unnecessary burdens. It may be assumed that these objects cannot be satisfactorily attained by reducing the expenditures of the state to the lowest practicable point, and economy an honest and faithful application of the revenues gathered from the people. In our own State, the finances are not in a healthy condition- with our people unburdened with taxes and bonds, without price or value in the

market and a large contingent debt accumulated, and accumulating, and with no immediate resources to pay the present expenses of the state.

This General Assembly has a duty — an important duty — to discharge in legislating upon this subject and providing a remedy.

Can our expenditures be reduced? During Gov. Murphy's administration it cost a little $160,000 to pay the annual expenses of our government. Cannot our government be administered now for double that amount? I think it can at the following liberal estimate will show: Salary of the Governor $5,000, Governor's private secretary $2500, Special Judges $6000, Prosecuting attorneys $1,200, sheriffs and grand jurie $10,000, public printing $30,000, circuit Judges (11) $36,500, for departments ($8000 each) $40,000; Blind, and Deaf and Dumb asylums $40,000 contingent expenses Supreme Court $2600, Court of Chancery court $1600, insane expenses $10,000. contingent expenses $12,000, making a total of $296,500. Our annual income on account of ordinary revenues, with the present tax, is something on $500,000 which properly administered, will pay the annual expenses of the government and leave a balance of $203,500 to be applied to the payment of our contingent debt, which is reported to be about $800,000, and the expenses of this General Assembly (say, in round numbers, one million dollars at our present rates of taxation) will pay the expenses of the government, and pay the contingent debt in about four years. In this estimate I have omitted anything for the increased tax on account of the increased value of the property of the state, which, with a proper administration of the government, will be considerable

The law now authorizes a sufficient levy to pay the interest and provide a sinking fund

for the liquidation of our funded debt; also a sufficient levy for school purposes. If the present law does not provide effectual means to force the railroad companies to pay the interest on the State aid bonds, let this Legislature provide an effectual remedy. Where there is a right, it is the duty of the Legislature to furnish a sufficient remedy where none exists or the remedy is defective. Make our officers, so far as the General Assembly can, elective by the people, pass a fair election law, and give the people a fair election, that they may choose officers in whom they have confidence. A government administered by officers having the confidence of the people will inspire confidence in her securities. When this is done, and not until then, will our credit appreciate and our bonds find a market. After the necessary legislation to accomplish these objects, it would be well to provide for the issue of short time bonds, to be sold at not less than ninety cents, to pay the expenses of the State and also provide for the funding of the contingent debt at par in short time bonds if the holder desires.

I am free to confess that with the past and present financial mismanagement of the State, the desired result cannot be had. With $244,500 drawn from the treasury in sixteen months to pay the expenses of the penitentiary that should be self-sustaining; $175,000 drawn to pay for public printing that should not cost $50,000; $20,878 to pay for revenue books that $878 should have paid for $17,753 for issuing scrip that should not have cost half that amount; $41,016 for funding a debt that should not have been funded; $62,833 to pay circuit school superintendents surely dispensed with; double the amount drawn to pay the expenses of the several departments, and $100,000 put down for contingent expenses — God knows what they are! — with a militia used

for election evening purposes, and every one — how a Radical politician staked out with a fat office and stealing privileges; with the financial affairs of the counties, cities and towns managed in a like reckless, and wasteful manner, — what wonder that any state or people would be bankrupt.

It is asked, in view of our almost unlimited resources, why our credit is so low. Money is sensitive and vigilant, and when capitalists see that the receipts on account of ordinary revenue, in the last two years, ending September 30th, 1872, were $1,889,230.67, and all absorbed in expenditures, and there being an accumulated contingent debt of $800,000, making an expenditure of $2,049,230.67 to pay the expenses of the state, that should not have cost one $800,000, they imagine there is danger in investment there, when extravagance (if so mild a term expresses it) is debited to $1,889,230.67. They are not satisfied with the explanation that the interest on the public debt absorbed it, when they know not a dollar of interest has been paid except by special tax for that purpose and the sale of bonds. The school fund has not received any aid from this fund, for a special tax has been collected for that purpose. Also. We may find a like extravagance in the management of the other funds of the state, such as the common school, the sinking, the exces, the internal improvement, seminary, salary, permanent school, common military and swamp land funds, save that the funds are not so large.

These extravagances may be properly chargeable to the Legislature and executive departments of the government. But when we return to that department, which is supposed to be the embodiment of purity, impartiality and uprightness what do we find? The Chief Justice routinely

himself out as a lobbyist, to influence the passage of a bill authorizing the issue of levee bonds - professedly for the purpose of building and repairing the public levees, but really for the purpose of dividing between himself and his employers. Again, we find him selling himself to a railroad ring, to be used in suppressing the publication of damaging charges against the ring until they could secure from communities certain bonds. It must be presumed that these charges if made would have promoted the consummation of some fraudulent object or, they would have agreed to give the Chief Justice $6000 to suppress their publication (See me & John McClure's evidence in the Clayton investigating committee, U. S. Senate).

Shortly after the convening of this Legislature there appeared in the official organ of the Republican party, of which the Chief Justice is part owner and part editor, an editorial supposed to have been written by the Chief Justice, charging substantially that they men of the dominant party and that negroes would not cast a vote in the of formation upon any question except to adjourn, without consideration, and that consideration not the plaudits of the people. In a subsequent issue of the same paper there appeared another editorial in which the Chief Justice (the supposed author) in referring to the presumed leader of the dominant party, says that ever since he was under years old it had been his custom to announce, when and where he pleased, such men as the representation from Ouachita (Mr. Miller), and it was theirs to obey; that he had seen rebellion before, but a few lashes from the whip would secure obedience, Put this and that together and we have a very ingenious

advertisement which might be interpreted to read: "To let on a lobbyist, the Chief Justice of Arkansas, who can control a Republican legislature". Are there things calculated to contradict or confirm the street charges that the Chief Justice has been let to the railroads, rings to enquire through this Home the immense railroad? And do they not account for the depreciation of our credit? Will the rings get measures before this Legislature afford relief to the state?

We have the funding bill providing for the issue of two millions of bonds, to pay the expenses of the General Assembly, the expenses of the state, and for funding the outstanding debt. These bonds cannot be sold for 33⅓ cents — thus adding two hundred per cent to the outstanding debt and increasing the expenses of the state threefold, and levying upon the people an additional tax of two mills.

Next comes the scrip bill, that prohibits the further issue of state scrip and prohibits the receipt of Auditor's warrants for taxes — thus increasing the taxes and withdrawing from the people the means of paying them. If our securities are to be depreciated, let the people have the benefit of that depreciation in paying their taxes.

Next in order is the railroad relief bill, releasing the railroads from the taxes necessary to pay the interest on their debt, and transferring that burden to the people, increasing the tax three mills, more, and likewise exempting the roads from taxation.

The people cannot pay these taxes, and their lands will have to be forfeited to the state. This emergency is provided for in the next bill in order — that donates my tax-land to these railroad companies

nis: The roads find protection in the law exempting their lands from taxation for ten years.

Those are many taxes that cannot be paid and will cause a forfeiture of the lands, to be transferred to the railroads, exempt from taxation without depriving me dollar's worth of revenue from the tax. The real effect of these laws will be to transfer without consideration the peoples lands to the railroad companies, leaving the debt of the State unpaid, for other words they amount to a confiscation of the lands of the people and transferring them to the railroads and a repudiation of the public debt.

It requires no great foresight to see that, if the expenditures are not reduced, repudiation must follow, not as a question of policy, or from choice, but from stern necessity. We cannot regard this as an idle conjecture, when we remember that in the last ten years, one fourth of the entire lands of the State have been forfeited for taxes.

The dominant party of this General Assembly has thus far disregarded every pledge made to the people. They have refused to make a single office election. On the other hand they have made appointments such as were previously elective. They have refused to abolish a single office, but on the contrary have created new ones. They have refused to reduce the expenditures one cent. They have increased them. Instead of lessening the taxes, they have enlarged them. Instead of relieving the people, they have made the burden more onerous.

I am satisfied that this Legislature will do nothing that will relieve the people, but rather much that will further embarrass her. Whilst I doubt the constitutional power of Congress to give the relief sought, I think, however, as much

authority can be found to give the relief as they may had for forcing upon us thence who have exhausted our substance and created the debt. Believing this subject presents interesting questions for the consideration of this House, I vote no.

The vote was then announced as above,

Under a suspension of the rules for that purpose Mr. Turner moved that the Speaker be authorized to appoint a select committee of three with instruction to examine into the accounts presented for payment out of the appropriation of one hundred and fifty thousand dollars

Mr. McGehee moved that the motion be amended by striking out the word "three" and inserting in lieu thereof the word "five"

Mr. Turner accepted the amendment.

Mr. J. M. Johnson moved as a substitute that the Committee on Auditors and Treasurers Books be instructed to perform that duty.

Mr. Turner moved the previous question which was seconded and under the operation thereof the substitute motion was disagreed to,

The original motion as amended was then agreed to,

The Speaker subsequently appointed as such committee Messrs. Benton Turner, W. H. Cate, A. H. Hawkins, J. H. Foster and Paul Brum

The House resumed consideration of the unfinished business pending at the hour of taking a recess being the consideration of the report of the Committee on Railroads recommending that the bill of the House (H. R. 157) entitled An act to regulate freights, fares, mileage &c on all railroads in the State of Arkansas be amended by adding to section 3 the following proviso viz:—

Provided that should any railroad charge greater rates than this act provides, said railroad shall be liable to pay to the party injured or aggrieved double the a-

amount of the freight or merchandise to be recovered by an action at law.

The report of the committee was adopted and the amendment was accordingly agreed to.

And,

On motion of Mr. Pindall,

Ordered, That the bill be engrossed for a third reading and be made special order for 11 o'clock A.M. of Friday, April 11, 1873.

Mr. McGehee moved that the House pass to the consideration of the bill of the House (H.R. 106) entitled An act to provide for the sale of vinous malt and spirituous liquors in the town of Rocky Comfort and Richmond in the county of Little River,

Which was not agreed to.

Mr. C. E. Berry from the Committee on Counties and County Lines to whom was referred the bill of the House (H.R. 202) entitled An act to establish the county of Locke and for other purposes reported the same with the recommendation by the majority of the committee that the bill be passed.

Mr. Kingston moved that the bill be read a third time and placed upon its passage.

Mr. Mitchell moved that the bill be recommitted to the Committee on Counties and County Lines.

After debate.

Mr. Corbell moved the previous question which was seconded and under the operation thereof the motion to recommit was disagreed to.

The question recurring on the motion that the bill be read a third time and placed upon its passage,

Mr. H. Murphy moved the previous question which was seconded and under the operation thereof the motion was agreed to.

And,

By unanimous consent.

The bill was accordingly read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative, yeas 37, nays 12, not voting 33.

Those who voted in the affirmative:-

Messrs.

Brown, Seal	Joyner,
Bridenthal,	Kingston,
Chapline,	Mewborn, J. M.,
Copeland,	McLeod,
Chandler,	Marshall,
Chapman,	McGehee,
Crumley,	Merritt,
Ennis,	Matheny,
Eagle,	Preston,
Fox,	Rankins,
Foster,	Robinson,
Gilbreath,	Sharpe,
Grimm,	Stephenson,
Hawkins, A. H.,	Sherman,
Hawkins, C. S.,	Sloan,
Hayes,	Snuder,
Hurley,	Thomson,
Irwin,	The Speaker.
Johnson,	

Those who voted in the negative were:-

Messrs.

Berry, C. E.,	Mitchell,
Berry, J. M.,	Nunn,
Copeland,	Pindall,
Cunningham,	Shipley,
Gist,	Speake,
Lee,	White,

Those absent or not voting were:-

Messrs.,

Beardsley,	McVeigh,
Brown, Chas. E.,	Page,
Bearley,	Plummer,
Corbett,	Reid,
Cox,	Robertson,
Cate,	Sayler,
Doane,	Sumpter,

Messrs,

Ingbrich,
Lovell,
Mankins, Messrs
Reynolds,
Johnson, Adam
Reed,
Lynn,
Latta,
Memphy, Jno.
Miller,

So the Bill was passed.

Mr. J. M. Memphy moved that the vote taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to,

Mr. Reid at 8 o'clock and 25 minutes P.M. moved that the House adjourn

Which was not agreed to,

Mr. Kingston, from the Committee on Railroads, to whom was referred the Bill of the House (H.R. 122) entitled An act for the better regulation and efficiency of railroad companies, reported the same with amendments and recommend its passage,

The report of the committee was adopted and the amendments were accordingly agreed to,

And,

On motion of Mr. Warwick,

Ordered, That the Bill be engrossed for a third reading and be made special order for 11 o'clock A.M. of Friday, April 11, 1873,

Mr. Pindall from the Committee on County and District Courts to whom were referred the Bill of the House (H.R. 273) entitled An act to prohibit the county courts from establishing any election precincts in any of the counties of this State reported the same and recommended its passage,

Mr. J. G. Berry moved that the Bill be read a third time and placed upon its passage,

Mr. Kingston moved as a substitute

that the bill lie on the table.

Which latter motion was agreed to.

Mr. Warwick from the Committee of Ways and Means to whom was referred the bill of the House (No. R. 124) entitled An act to authorize county courts to fund outstanding warrants when there is no money in the treasury to pay the same, reported the same and recommended a substitute therefor entitled An act to authorize counties and municipal corporations to fund their outstanding indebtedness.

The report of the committee was adopted and the substitute was accordingly adopted in lieu of the original bill.

And,

By unanimous consent,

On motion of Mr. Warwick

The bill was read a third time, and placed upon its passage,

Before the roll was called,

Mr. Saunders moved that the bill lie on the table, subject to the call of the House

Which was not agreed to,

After debate,

Mr White moved that the bill be recommitted to the Committee of Ways and Means

After debate,

Mr. Reid, at 4 o'clock and 4 minutes P. M. moved that the House adjourn,

Which was not agreed to,

The question being on the motion that the substitute for the bill of the House (No. R. 124) entitled An act to authorize counties and municipal corporations to fund their outstanding indebtedness be recommitted to the Committee of Ways and Means.

After debate,

Mr. Turner moved the previous question which was seconded and the main question ordered, viz; Shall the substitute bill be recommitted to the Committee of Ways and Means?

Mr Beasley asked for the yeas and nays.

The question being put,
It was decided in the affirmation, yeas 34, nays 28,
The yeas and nays being desired by five members.
Those who voted in the affirmation are:-

Messrs.

Berry, Jr. Mc.
Beasley,
Brydenthal,
Chandler,
Crowley,
Cate,
Cunningham,
Evans,
Eagle,
Foster,
Gist,
Gilbreath,
Izard,
Hanley,
Hayden,
Lee,
Latta;

Messrs.

Merritt,
McVeigh,
Matheny,
Preston,
Pindall,
Reid,
Robertson,
Spears,
Stephenson,
Shepherd,
Young,
Thurman,
Thurmond,
Tyler,
Humphrey,
Warwick,
White,

Those who voted in the negation are:-

Messrs.

Berry, E. E.
Burn. Neal
Chapline,
Cleveland,
Copeland,
Chapman,
Doane,
Fox,
Grissom,
Hawkins, A. M.
Hawkins. C. S.
Hans,
Ogley Jr,

Messrs.

Johnson, Jr Mc.
Kingston,
Murphy, Mc
McLeod,
Marshall,
McGehee,
Rawlins,
Robinson,
Shipley,
Shapland,
Sumpter,
Turner,
The Speaker,

So the bill was recommitted to the Committee of Ways and Means.

x Mr. Pindall at 9 o'clock and 13.

minutes P.M. moved that the House adjourn.
Which was not agreed to.
Also, from the same committee, to whom was referred the bill of the House (H. R. 252) entitled An act to provide for the preservation of the records in the department of Immigration and State Lands and for other purposes reported the same and recommended its passage.
Mr. Kingston moved that the bill be read a third time and placed upon its passage and also moved the previous question.
The question being put, Shall the main question be now put?
It was decided in the negative.
So the House refused to order the main question.
Mr. Turner moved that the bill be recommitted to the Committee of Ways and Means.
After debate.
Mr. Mobley moved as a substitute that the bill be rejected.
Mr. Chapline moved the previous question which was seconded and under the operation thereof the motion to recommit was disagreed to.
The question recurring on the motion that the bill be rejected.
Mr. Sumpter asked for the yeas and nays.
The question being put,
It was decided in the affirmative, yeas 34, nays 15.
The yeas and nays being demanded by five members,
Those who voted in the affirmative are:-

Messrs.	Messrs.
Berry, J. H.	Kingston,
Beasley,	Lee,
Bridenthal,	McGehee,
Cleveland,	Merritt,
Chandler,	McCloud,
Chapman,	McVeigh,
Crosby,	Maltsby,
Cate,	Mitchell,
Cunningham,	Preston,
Erwin,	Pyndall,
Eagle,	Reid,

Messrs.

Foster,
Gist,
Gilbreath,
Jarrett,
Harley,
Joyner,
Robertson voted in the negative.

Messrs.

Robertson,
Sumpter,
Thomas,
Thomason,
Tillar,
Thornburg.

Messrs.

Berry, C. E.
Bivins, Neal
Chapline,
Epperson,
Hankins, A. M.
Irby,
Marshall.
Robinson

Messrs.

Shrigley,
Stephenson,
Storey
Turner,
Warwick,
White,
Mr. Speaker.

So the bill was rejected.

Mr. Warwick at 9 o'clock and 35 minutes P. M., moved that the House adjourn.

Which was not agreed to.

Mr. Warwick, from the same committee to whom was referred the bill of the Senate (S. 109) entitled An act for the relief of Thomas H. Hawks reported the same and recommended its passage.

And then

On motion of Mr. Warwick

The House at 9 o'clock and 38 minutes P. M., adjourned.

Attest

Clerk.

Speaker.

Tuesday, April 8, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. J. M. Berry, Chas. F. Bivins, Beasley, Bradenthal, Chapline, Corbell, Cleveland, Copeland, Chandler, Chapman, Crosby

Cate, Cunningham, Ennis, Eagle, Fox, Fun-
ck, Foster, Gist, Gilbreath, Garrett, Grissom
A. M. Hankins, O. S. Hankins, Norman Hankins
Harris, Haynes, Hadley, Irby, Adam Johnson, J. R.
Johnson, Joyner, Kent, Lee, Lynn, Latta,
McLeod, Marshall, McGehee, Merritt, Miller,
McKenzie, Matheny, Nunn, Page, Pridgen,
Reid, Robertson, Robinson, Sauber, Shepard,
Spears, Stephenson, Shepperson, Stamy, Sump-
ter, Thorn, Thurman, Tillman, Thackston,
Warnock, White, Wheat, Walker, Williams,
Wright, The Speaker,

The journal of Monday was read and ap-
proved.

Mr. Corbett moved that the rules be suspend
ed and that he be allowed to submit a resolution.

Which was not agreed to (two-thirds of the
members present not voting therefor).

Mr. McLeod from the Committee on Enrolled
Bills reported correctly enrolled the bill of the
House (H.R. 179) entitled An act to authorize dis-
section in certain cases for the advancement
of science.

Also the bill of the House (H.R. 245) entitled
An act for the relief of collectors of revenue and
for other purposes.

Under the rule,

The House proceeded to consider the sub-
stitute for the bill of the House (Sub. H.R. 26)
entitled An act designating the manner
in which the homestead under sections 4
and 5 of Article 12 of the constitution shall
be reserved from sale on the death of the
owner thereof for the widow and children
of the deceased.

Which was read a third time and
placed upon its passage,

The question being put, Shall the bill
pass?

It was decided in the affirmative,—
yeas 56, nays none, not voting 26,

Those who voted in the affirmative are:

Messrs.

Berry, J. M.
Bynum. Chas. F.
Brideuthal.
Corbell.
Cleveland.
Coit,
Copeland.
Chandler.
Chapman,
Cate,
Cunningham,
Eagle,
Fairbush,
Foster,
Gist,
Gilbreath,
Grimm,
Hawkins, A. M.
Hawkins, C. S.
Hawkins. Monroe
Hair's,
Hynds,
Harley,
Irvin,
Johnson. Adam
Johnson, J. M.
Joyner,
Kingston,

Messrs.

Kent.
Lee.
Latta,
McLeod
Marshall,
Millen.
McVeigh,
Matheny,
Nunn,
Page,
Preston,
Rawlins.
Reid
Robertson
Robinson,
Spears
Stephenson,
Shepherson,
Strong,
Smith,
Flynn,
Flynnann,
Flynchny,
Warnick.
White,
Williams,
Wright,
The Speaker,

Those voting in the negative.
Those absent or not voting are:-

Messrs.

Berry, C. E.
Beardsley,
Brown, Neal
Beasley,
Chapline,
Crumley,
Dunn.
Evans
Fix,
Fitzpatrick,

Messrs.

Mackphee,
Merritt,
Mitchell,
Pridall,
Parrish,
Sisler,
Shuriley,
Shaffbaur,
Stewart,
Turner,

Messrs. Lynn, Murphy, J. M., Murphy, Wm., So the bill was passed.

Messrs. Thomason, Wheat, Walker,

The House proceeded to consider the bill of the House (H. R. 150) entitled An act to provide for the appointment of a commissioner of agriculture and to aid in the formation and encouragement of agricultural and mechanical societies for the promotion of home industry and improvement of the State of Arkansas.

Which was read a second time.

Mr. Corbell moved that the bill be engrossed for a third reading and be made special order for 11 o'clock A. M. of Thursday, April 10, 1873.

Mr. Erwin moved as a substitute that the bill lie on the table subject to the call of the House.

Mr. Reid moved that the further consideration of the bill be indefinitely postponed.

After debate,

Mr. Shepperson moved the previous question which was seconded and under the operation thereof the bill was indefinitely postponed.

Mr. Sumpter gave notice that he would on a future day move to reconsider the vote last taken.

Mr. J. M. Johnson gave notice that he would on a future day move to reconsider the vote by which the House rejected the bill of the House (H. R. 252) entitled An act to provide for the preservation of the records in the department of Immigration and State Lands, and for other purposes.

The House proceeded to consider the bill of the House (H. R. 65) entitled An act to regulate the licensing physicians in this state to prevent apothecaries vending and exposing to sale within this state, drugs and medicines without a license from the board of physicians, and to prevent merchants, shopkeepers and all other persons from compound-

ving and preparing drugs and medicines or either.

Which was read a second time.

And,

Under the operation of the previous question

On motion of Mr. Corbell,

The further consideration of the bill was indefinitely postponed.

The House proceeded to consider the bill of the House (H.R. 791 entitled An act for the protection of farmers,

Which was read a second time.

Mr. J. W. Murphy moved that the bill be amended by adding to section 1, the words "that cutting or hauling wood off any land shall be subject to the same penalty."

Mr. Corbell moved the previous question, which was seconded and under the operation thereof the amendment was agreed to.

And,

Under the operation of the previous question,

On motion of Mr. Corbell,

Ordered, That the bill be engrossed for a third reading and be made special order for 11 o'clock A.M. of Thursday, April 10, 1873.

By unanimous consent,

On motion of Mr Barber,

The House proceeded, under the order of unfinished business, to consider the bill of the Senate (S. 109) entitled An act for the relief of Thomas A. Hawks,

On motion of Mr. Corbell,

The bill was read a third time and placed upon its passage,

After debate,

Mr. Corbell moved the previous question which was seconded, and the main question ordered, viz:- Shall the bill pass?

The question being put,

It was decided in the affirmation,— yeas 34, nays 31, not voting 17,

Those who voted in the affirmation are:-

Messrs.

Berry. E. E.
Bynum. Neal.
Bynum. Chas. D.
Chaplin.
Cobb.
Copeland.
Fox.
Fuquay.
Grissom.
Hankins. A. M.
Hankins. O. S.
Hankins. Simon
Harris.
Joslyn.
Johnson. Adam
Kingston.
Murphy. J. M.

Those who voted in the negative are:-

Messrs.

Berry. J. M.
Bealey.
Biddlehal.
Cleveland.
Chandler.
Chapman.
Crowley
Cunningham.
Cannon.
Eagle.
Fuller.
Gilmatt.
Gorsett.
Haynes
Harley.
Keyt.

Messrs.

Marshall.
Mcclenee.
Miller.
Rankins.
Robinson.
Sayer.
Shingley.
Shipyard.
Spears.
Stephenson.
Shepperson.
Storey
Turner.
Warwick.
White.
Williams.
The Speaker.

Those absent or not voting are:-

Messrs.

Lee.
Latta.
Merritt.
McVeigh.
Mcalhany.
Nixon.
Preston.
Pendall.
Reid.
Robertson.
Sumpter.
Thomason.
Tillar.
Thornberry.
Walker.

Those absent or not voting are:-

Messrs.

Beardsley.
Cook.
Cate.
Davis.

Messrs.

McLeod.
Mitchell.
Page.
Parrish.

Messrs,
Gist,
Johnson, J. M.
Joyner,
Lynn,
Murphy, Wm.
So the bill was passed.

Pending the vote
Mr. Gilbreath (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:-
Mr. Speaker: In explanation of my vote permit me to say that we have no jurisdiction of the subject matter, and if the claim be just it is a claim against Pope county and not against the state, Therefore vote no.
The vote was then announced as above.

Mr. McGehee moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table,
Mr. Sumpter asked for the yeas and nays.
The question being put, Shall the latter motion be agreed to?
It was decided in the affirmative,—
yeas 38, nays 28,
The yeas and nays being desired by five members,
Those who voted in the affirmative are:-

Messrs,
Berry, C. E.
Byrum, Saul
Byrum, Chas. F.
Chaplin,
Cybell,
Copeland,
Fix,
Furbush,
Green,
Hankins, A. M.
Hankins, O. S.
Hankins, Henry

Messrs,
McLeod,
Marshall,
McGehee,
McAllen,
Nunn,
Rankins,
Robinson,
Sauer,
Shipley,
Shipbaugh,
Spears,
Stephenson

Messrs.

Harris,
Jolyn,
Johnson, Adam
Johnson, J. D.
Kingston,
Kent,
Murphy, J. M.

Messrs.

Sheppeson,
Shung,
Snyder,
Warnock,
White,
Williams,
The Speaker.

Those who voted in the negation are:-

Messrs.

Berry, J. D.
Bewley,
Chandler,
Chapman,
Crosby,
Cate,
Cunningham,
Ennis,
Eagle,
Foster,
Gist,
Gilbraith,
Jozett,
Kynds,

Messrs.

Hagley,
Lee,
Latta,
Matheny,
Preston,
Pindall,
Reid,
Robertson,
Symington,
Thorne,
Thompson
Tillar,
Thornbury,
Wright,

So the motion to reconsider was laid on the table.

Mr. Pindall moved that the House proceed, under the order of unfinished business to consider the substitute for the bills of the House (Sub. H. R. 99) entitled An act to regulate the sale of spirituous or vinous liquors,

Which was not agreed to,

The House proceeded to consider the bill of the House (H. R. 94) entitled An act to authorize notaries public to take acknowledgements and proof of deeds and conveyances,

Which was read a third time and placed upon its passage,

The question being put, Shall the bill pass?

It was decided in the affirmative,— yeas 57, nays 1, not voting 24.

Those who voted in the affirmation are:-

Messrs.

Berry, G. E.
Berry, J. H.
Brown, Paul
Brown, Chas. E.
Burdenthal,
Chapline.
Corbell,
Cleveland,
Copeland,
Chapman,
Crowley,
Cate,
Cunningham,
Davis,
Evans,
Fairbrush,
Fizer,
Gist,
Green,
Hankins, O. S.
Hankins, Homer
Harris,
Harley,
Jarboe,
Johnson, Adam
Johnson, J. H.
Jones,
Kingston,

Voting in the negative.

Mr. Reid.

Those absent or not voting are:-

Messrs.

Beardsley,
Beasley,
Cort,
Chandler,
Eagle,
Fox,
Gilbreath,
Keyt,
Lee,
Latta,
McCleerd,
Marshall,
McClellen,
Merritt,
Milley,
Matheny,
Preston,
Rividall,
Rankins,
Robertson,
Robinson,
Shirley,
Shapland,
Spears,
Stephenson,
Shepherson,
Strong,
Smallfield,
Thomas,
Tillon,
Warnick,
White,
Williams,
Wright,
The Speaker.

Messrs.

McVeigh,
Mitchell,
Owens,
Page,
Parrish,
Sarber,
Stewart,

Messrs.

Hawkins, A. M.
Hynds,
Lynn,
Murphy, D. M.
Murphy, Wm.

Messrs.

Turner,
Hynson,
Hornbuckle,
Wheat,
Walker,

So the Bill was passed.

A message from his Excellency the Governor by Hon Mc Cammany his private secretary, who by unanimous consent read the same as follows:—

Executive Department, Arkansas
Little Rock April 7. 1873.
To the House of Representatives of Arkansas:
Gentlemen: I have signed and approved House bill entitled An "act to confer the right to take acknowledgements of deeds upon clerks of all courts of record of the state of Arkansas and for other purposes;" also House bill entitled "an act to permit sheriffs and collectors from selling land & returning persons and property delinquent when taxes have been paid and to punish the same" all of which are herewith returned.

Elisha Baxter,
Governor of Arkansas.

The House proceeded to consider the bill of the House (No. R. 76) entitled An act to prevent the sale of liquors, malt or distilled liquors within one mile of institutions of learning.

Which was read a third time and placed upon its passage.

After debate

Mr. Corbell moved the previous question which was seconded, and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative, yeas 42 nays 21, not voting 19.

Those who voted in the affirmative are;—

Messrs.

Berry, C. E.
Berry, J. M.
Biddenthal.
Chaplin.
Corbett.
Cleveland.
Copeland.
Cate,
Cunningham,
Eagle.
Fox,
Foster,
Gist,
Gilbreath.
Garrett,
Grissom,
Haynes,
Harley.
Ingram.
Murphy, J. M.
McElroy.

Those who voted in the negative are:

Messrs.

Bunn, Joel
Bunn, Chas. F.
Beasley,
Cox,
Chandler,
Davis,
Hankins, C. S.
Hankins, A. M.
Hankins, Thomas
Harris,
Jolly,

Those absent or not voting are:

Messrs.

Beardsley,
Chapman,
Crowley,
Currin,
Faubush,

Messrs.

Marshall,
Miller,
McKeigh.
McAthey,
Norris,
Peyton,
Randall,
Reid,
Robertson,
Robinson
Story,
Sumpter,
Turner,
Thomas,
Tilden,
Thornburg,
Warnick,
White,
Williams.
Wright,
The Speaker.

Messrs.

Johnson, J. H.
Kent,
McAlpine,
Merritt,
Rankins,
Shipley,
Shipman,
Spears,
Stephenson,
Shepherd,

Messrs.

Murphy, Wm.
Mitchell,
Paige,
Purnell,
Sanders,

Messrs. Johnson, Adam, Kingston, Lee, Lemon, Latta,

Messrs. Stewart, Turner, Wheat, Walker,

So the bill was passed.

Pending the vote,

Mr. Grissom when his name was called sent to the clerk's desk the following explanation of his vote, viz:—

Mr. Speaker: I vote for this bill as being, in my opinion, the best measure of the session I regard it, sir, as more beneficial to, and more in the interest of the citizens generally, than any number of dollars and cents, and I desire to congratulate the people of Arkansas upon its passage by this general assembly, Ala a majority of the Legislature.

The vote was then announced as above.

Mr. Chapline moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

The House proceeded to consider the bill of the House (No. R. 128) entitled An act to repeal section 4 of an act entitled an act, to define and punish offenders against the public peace and tranquility, approved July 23, 1868,

Which was read a third time and placed upon its passage.

After debate,

Mr. Cockrill moved the previous question, which was seconded, and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative. Ayes 49, nays 16, not voting 17.

Those who voted in the affirmative are:-

Messrs.

Berry, J. H.
Brown, Chas. F.
Brearley,
Bridenthal,
Chapline,
Cort,
Copeland,
Chandler,
Crosby,
Cate,
Erwin,
Eagle,
Fitz,
Foster,
Gilbreath,
Iglehart,
Ingram,
Hankins, O. S.
Higgins,
Harley,
Johnson, Adam
Johnson, J. H.
Ingram,
Kerrigan,
Lee,
Latta.

Those who voted in the negative are:-

Messrs.

Lee Lord,
McGehee
Merritt,
Millen,
McVeigh,
Matthews,
Pigeon,
Pindall,
Rankins,
Reid,
Robertson,
Robinson,
Stephenson,
Strong,
Sumpter,
Turner,
Thurman,
Tillar,
Thornton,
Warwick,
White,
Williams
Wright,
The Speaker,

Those who voted in the negative are:-

Messrs.

Brown, Neal
Burbell,
Cleveland,
Cunningham,
David,
Lyst,
Hankins, Mann
Hynds,

Those absent or not voting are:-

Messrs.

Berry, C. C.
Bedinger,
Kent,
Memphy, J. M.
Marshall,
Mann,
Shipley,
Steele,
Shepperson,
Turner,

Messrs.

Mitchell,
Page,

Messrs.

Chapman,
Ingbrosh,
Hawkins, A. Mc,
Izzlyn,
Lynn,
Murphy, Jas,

Messrs.

Parish,
Sayers,
Shapard,
Stewart,
Trent,
Walker,

So the Bill was passed,

Mr. McGehee moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to,

Mr. A. Mc. Hawkins, at 12 o'clock and 28 minutes P.M., moved that the House take a recess until 70'clock and 30 minutes P.M.

Which was not agreed to,

Mr. Cox, bell moved that the House take a recess until 3 o'clock and 30 minutes P.M.

Mr. McGehee at 12 o'clock and 30 minutes P.M. moved that the House adjourn,

Which was not agreed to,

The question recurring on the motion that the House take a recess until 3 o'clock and 30 minutes P.M.,

It was not agreed to,

Then,

On motion of Mr. Preston,

The House, at 12 o'clock and 32 minutes P.M. took a recess until 2 o'clock and 30 minutes P.M.

After the Recess

The House met at 2 o'clock and 31 minutes P.M.

The Speaker of the House being absent,

On motion of Mr. Bridenthal,

The House, under the rule called Mr. M. D. Kent to the chair as the Speaker pro tempore,

The roll being called it appeared that the following named members were present and answered to their names, viz:—

Messrs. J. H. Berry, Beasley, Buchanan, Blackwell, Copeland, Chandler, Conoley, Cate, Cunningham, Dixon, Gist, Gilbreath, Hall, Haynes, Hartley, J. H. Johnson, Kingston, Kent, Latta, Merritt, Miller, Mathews, Preston, Pindall, Rawlins, Reid, Robertson, Robinson, Spears, Stephenson, Story, Thurmond, Thurman, White, Williams, Wright,

A quorum not being present,

On motion of Mr. Copeland,

Ordered, That the sergeant-at-arms be instructed to bring in absent members.

Several of the absent members having appeared,

By direction of the Speaker pro tempore,

The roll was again called,

When,

It appeared that the following named members were present and answered to their names, viz:-

Messrs. C. C. Berry, J. H. Berry, Beasley, Buchanan, Chaplin, Blackwell, Copeland, Chandler, Conoley, Cate, Cunningham, Eagle, Faulkner, Foster, Gist, Gilbreath, Garrett, O. S. Hawkins, Haynes, Hartley, J. H. Johnson, Kingston, Kent, Latta, J. H. Murphy, McGehee, Merritt, Miller, Mathews, Preston, Pindall, Rawlins, Reid, Robertson, Robinson, Shappard, Spears, Stephenson, Shepperson, Story, Simpkins, Thurman, Thurmond, Thornburg, White, Williams, Wright, The Speaker,

A quorum being present,

And,

The Speaker having taken the chair,

Mr. J. H. Berry at 2 o'clock and 40 minutes P. M. moved that the House adjourn,

Which was not agreed to,

By unanimous consent,

Under a suspension of the rules,

Mr. Faulkner introduced a bill (H. R. 330) entitled (An act to establish the county of Lee, and for other purposes.

By unanimous consent,

Under a suspension of the rules.
The bill was read a first and second time by title.
By unanimous consent.
On motion of Mr. Hughes,
The rules were further suspended and
the bill was read a third time and
placed upon its passage.
Mr. Robinson moved the previous question
which was regarded and the previous question
ordered, viz:- Shall the bill pass,
The question being put,
It was decided in the affirmative,—
yeas 37, nays 18, not voting 27.
Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Bradley,
Brickenthal,
Cornell,
Cleveland,
Chandler,
Ennis,
Hughes,
Gilbreath,
Hankins, A. M.
Hankins, O. S.
Hankins, Simon,
Harris,
Johnson, Adam
Johnson, J. M.
Kent,
Murphy, J. M.
McGehee,
Merritt,
Meullen,
Preston,
Rawlins,
Robertson,
Robinson,
Shipley,
Shipland,
Speas,
Stephenson,
Shepperson,
Sunny,
Tisher,
Turner,
Thurman,
Thornberry,
White,
Wright,
The Speaker.

Those who voted in the negative are:-

Messrs.

Berry, J. H.
Brown, Chas E.
Crosby,
Cate,
Cunningham,
Eagle,
Harley,
Kingston,
Logan,
Latta,
Matheny,
Pindall,

Messrs.
Fox,
Gossett,
Reynolds.
Those absent or not voting are:-

Messrs.
Reid,
Sumpter,
Williams,-

Messrs.
Beardsley,
Bynum. Fred,
Chapline,
Cyrt,
Copeland,
Chapman,
Davis,
Foster,
Gist,
Grissom,
Joslyn,
Joyner,
Lee,

Messrs.
Murphy. Dan.
McLeod,
Marshall,
McVeigh,
Mitchell,
Nunn,
Page,
Parish,
Sauber,
Stewart,
Tillar,
Warwick.
Wheat
Walker.

So the bill was passed,

Mer. Fox moved that the vote last taken be reconsidered.

Mer. Purnell moved that that motion lie on the table.

Mer. Fox asked for the yeas and nays.

The question being put,

It was decided in the affirmative, yeas 31, nays 28,

The yeas and nays being desired by five members.

Those who voted in the affirmative are:

Messrs.
Berry. C. C.
Burdette.
Corbell,
Cleveland,
Chandler.
Eaton
Faubush,
Gilbreath,
Hawkins. C. M.

Messrs.
Merritt,
Mullen
Rawlins,
Robertson,
Robinson.
Shipley,
Shappard,
Spears,
Storey,

Messrs. Messrs.

Hawkins. O. S. Finney,
Hawkins. Marcus. Flynn,
Hays, Fleming,
Johnson. Adam Flournoy,
Johnson J. H. Wright,
Kent, The Speaker:
McCluskey

Those who voted in the negative on the

Messrs. Messrs.

Berry. J. H. Lyon,
Bynum. Chas. F. Latta,
Chapline Murphy. J. H.
Crowley, Matheny,
Cate, Preston,
Cunningham. Randall,
Eagle, Reid,
Fox, Sauber,
Gist, Stephenson,
Gossett, Shepperson,
Grissom, Sumpter,
Hynds, Wagnick,
Harley, White,
Joyner. Williams.

So the motion to reconsider was laid on the table,

On motion of Mr. Fox

The House proceeded, under the order of unfinished business, to consider bills on their first reading and heretofore sent to the clerk's desk as follows,

By Mr. J. H. Murphy a bill (H. R. 312) entitled An act to establish an Insurance bureau.

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title, and referred to the committee on Insurance.

By Mr. Joyner a bill (H. R. 313) entitled An act to define and establish the boundary lines between the counties of Mississippi, Craighead, Poinsett and Cross.

Which was read a first time,
By unanimous consent,
Under a suspension of the rules,
The bill was read a second time by title,
Mr. Charles F. Brummond that the further consideration of the bill be indefinitely postponed.
Which was not agreed to,
By unanimous consent,
The bill was referred to the Committee on Counties and County Lines,
By Mr. Joyner a bill (H. R. 314) entitled An act to encourage and aid in establishing and maintaining a public library charity hospital &c,
Which was read a first time,
By unanimous consent,
Under a suspension of the rules,
The bill was read a second time by title and referred to the Committee on Education,
By Mr. — a bill (H. R. 315) entitled An act to appropriate money for the benefit of the Little Rock Medical College,
Which was read a first time,
And,
On motion of Mr. J. H. Johnson,
The further consideration of the bill was indefinitely postponed,
By Mr. Fix a bill (H. R. 316) entitled An act to amend sections 3 and 9 of subdivision 2 of article two of chapter 2 of title 9 of the Code of Practice,
By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second time by title and referred to the Committee on the Judiciary,
By Mr. Fix a bill (H. R. 317) entitled An act to amend the law in relation to dower in this state,
By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second

time by title and referred to the Committee on the Judiciary.

By Mr. Dunn a bill (H.R. 318) entitled "An act to amend an act regulating the assessment and collection of the revenue of the state of Arkansas, approved March 25, 1871."

Which was read a first time.

By unanimous consent.

The bill was read a second time by title and referred to the Committee of Ways and Means.

By Mr. Joyner a bill (H.R. 319) entitled An act to create an insurance department and to regulate the business of Insurance.

By unanimous consent.

Under a suspension of the rules.

The bill was read a first and second time by title and referred to the Committee on Insurance.

By Mr. Latta a bill (H.R. 326) entitled An act to incorporate societies and companies other than those specially provided for.

By unanimous consent

Under a suspension of the rules.

The bill was read a first and second time by title and referred to the Committee on the Judiciary.

By Mr. Thurman a bill (H.R. 327) entitled An act to provide for a special election in the city of Camden, Arkansas.

By unanimous consent,

Under a suspension of the rules

The bill was read a first and second time by title and referred to the Committee on Elections.

By Mr. Thurman a bill (H.R. 328) entitled An act regulating the time of holding the terms of the Separate court of chancery for Pulaski county.

By unanimous consent,

Under a suspension of the rules.

The bill was read a first and second time by title and referred to the Committee on the Judiciary.

By Mr. Thurman a bill (H.R. 329) entitled

An act to pay registrars for making the special registration in the year 1873.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title.

On motion of Mr. Barber,

The rules was further suspended (two-thirds of the members present voting therefor), and

The bill was read a third time and placed upon its passage.

After debate,

Mr. Corbell moved the previous question, which was seconded, and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative.—yeas 58, nays none, not voting 24.

Those who voted in the affirmative are:—

Messrs.

Berry, C. E.
Berry, J. M.
Bynum, Neal
Bynum, Chas. F.
Beasley,
Bridenthal,
Corbell,
Cleveland,
Cort,
Copeland,
Chandler,
Crumley,
Cate,
Dare,
Eagle,
Fitzpatrick,
Galbraith,
Gossett,
Hopkins, A. M.
Hopkins, C. S.
Hopkins, Monroe
Harris,

Messrs.

Latta
Murphy, J. M.
McLeod,
Marshall,
Mockbee,
Merritt,
McVaugh,
Mayberry,
Preston,
Rogers,
Reed,
Robertson,
Robinson,
Snyder,
Swigley,
Sharpe,
Speas,
Stephenson,
Shepperson,
Strong,
Sumpter,
Thompson.

Messrs.

Haynes,
Hanley,
Johnson, Adam
Johnson, J. H.
Joyner,
Kingston,
Lee,

Messrs.

Gilbert,
Hunt Jr.,
Hamrick,
White,
Williams,
Wright,
The Speaker,

None voting in the negative,

Those absent or not voting are:-

Messrs.

Beasley,
Chapline,
Chapman,
Cunningham,
Erwin,
Fox,
Foster,
Gist,
Grissom,
Harley,
Kent,
Lynn,

Messrs.

Murphy, Wm.
Nobles,
Mitchell,
Nunn,
Page,
Pindall,
Parrish,
Stewart,
Summey,
Thomas,
Wheat,
Walker,

So the bill was passed,

By Mr. Copeland a bill (H.R. 331) entitled An act to provide a system for the draining of wet lands.

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title and referred to the Committee on State Lands.

By Mr. Trotter a bill (H.R. 332) entitled An act for the relief of the securities of Elizabeth Thomas late of St. Francis county.

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title,

Mr. Hamrick moved that the rules be further suspended and that the bill be read a third time and placed upon its passage.

Which was not agreed to (two-thirds of the members present not voting therefor).

Then,

On motion of Mr. Fox,

The bill was referred to the Committee on the Judiciary.

By Mr. McVeigh, a bill (H.R. 333) entitled An act for the benefit of Beyth Chapel of Mississippi county.

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title and referred to the Committee on the Judiciary.

By Mr. Fox a bill (H.R. 334) entitled An act to repeal chapter 90 of Gould's digest.

By unanimous consent,

Under a suspension of the rules

The bill was read a first and second time by title and referred to the Committee on the Judiciary.

By Mr. Fox a bill (H.R. 335) entitled An act to repeal chapter 86 of Gould's digest,

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title and referred to the Committee on the Judiciary.

By Mr. Fox a bill (H.R. 336) entitled An act to amend art. 2, chapter 3, title 9 of the amended code of civil practice,

By unanimous consent,

Under a suspension of the rules

The bill was read a first and second time by title and referred to the Committee on the Judiciary.

By Mr. Shepperson a bill (H.R. 337) entitled An act to relieve the tax payers of Desha county.

By unanimous consent

Under a suspension of the rules,

The bill was read a first and second time by title and referred to the Committee on the Judiciary.

By Mr. Thurman a bill (H.R. 338) entitled An act to prevent the destruction of

fish by seizure in this state.

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title

Mr. Corbett moved that the bill be referred to the Committee on Agriculture.

Which was not agreed to.

Then

On motion of Mr. Flynn

The rules were further suspended (two-thirds of the members present voting therefor) and

The bill was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative, — yeas 60, nays 7, not voting 15.

Those who voted in the affirmative are:-

Messrs.

Berry, G. E.,
Berry, J. M.,
Brown, Chas. P.,
Beasley,
Bridenthal,
Chapline,
Cleveland,
Cort,
Copeland,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham,
Davis,
Emrie,
Engle,
Fox,
Foster,
Gist,
Gilbreath,
Gizzett,
Grimm,
Hawkins, A. M.,

Messrs.

Lee,
Lynn,
Lutte,
Murphy, J. M.,
Merritt,
Millen,
McVeigh,
Matheny,
Nixon,
Preston,
Pridell,
Reid,
Robertson,
Robinson,
Sarber,
Spears,
Stephenson,
Shippeson,
Sturm,
Sumpter,
Turner,
Thorn,
Thomason,
Tillar,

Messrs.

Hankins. Mann
Reynolds.
Harley.
Johnson. Adam
Johnson, J. M.
Kent.

Those who voted in the negative are:-

Messrs.

Hamilton,
Hamrick,
White,
Williams,
Wright,
The Speaker.

Messrs.

Corbell.
Harris.
Kingston.
McLeod.

Messrs.

Blackwell.
Hankins.
Shipley.

Those absent or not voting are:-

Messrs.

Beasley,
Bunn, Neal,
Faircloth,
Hankins, O. S.
Joslyn,
Joyner,
Murphy, Wm.
McGehee.

Messrs.

Mitchell,
Page,
Parrish,
Sharpe,
Stewart,
Wheat,
Walker.

So the bill was passed.

By Mr. Fox, a bill (H. R. 339) entitled An act to define the jurisdiction and regulate the course of proceedings in the courts of Justices of the Peace.

By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second time by title and referred to the Committee on the Judiciary.

On motion of Mr. Corbell,
Under the operation of the previous question
Ordered, That one hundred and fifty copies of the bill last referred be printed for the use of the House.

By Mr. Preston a memorial (H. Mem. 10) a memorial to the Congress of the United States for an increase of mail service on route No. 7509.

By unanimous consent,
Under a suspension of the rules,
The memorial was read a first and second time by title,

On motion of Mr. Neal Brown,

The rules were further suspended (two-thirds of the members present voting therefor) and

The memorial was read a third time and placed upon its passage.

The question being put, Shall the memorial pass?

It was decided in the affirmative, — yeas 60, nays none, not voting 22.

Those who voted in the affirmative are:-

Messrs.

Berry, G. E.
Berry, J. H.
Brown, Neal
Brown, Chas. F.
Brady,
Cobell,
Cleveland,
Cort,
Chandler,
Chapman,
Crosby,
Cate,
Cunningham,
Davis,
Ennis,
Eagle,
Foster,
Gilbreath,
Green,
Griffin,
Hawkins, A. H.
Hawkins, O. S.
Hawkins, Mason
Hagans,
Hanby,
Joslyn,
Johnson, Adam
Johnson, J. H.
Joyner,
Livingston,

Messrs.

Kent,
Lynn,
Latta,
Murphy, J. H.
McLeod,
Mowitt,
Mullen,
McVeigh
Matheny,
Arnold,
Preston,
Pindall,
Robertson,
Robinson,
Sayler,
Shrigley,
Speed,
Stephenson,
Shepperson,
Stump,
Sublette,
Turner,
Thomson,
Tillar,
Thornburg,
Warwick,
White,
Williams,
Wright,
The Speaker,

And voting in the negative,

Those in favor or not voting are:-

Messrs.

Beardsley,
Bridenthal,
Chapline,
Copeland,
Fox,
Fruhrush,
Gest,
Higgins,
Lee,
Murphy, Dan.
Marshall,

Messrs.

McGehee,
Mitchell,
Page,
Parrish,
Rawlins,
Reid,
Sharpand,
Stewart,
Thorne,
Wheat,
Walker,

So the memorial was passed.

By Mr. Warnick a memorial (No. Mem. 11) a memorial to the Congress of the United States for an appropriation to reimburse the state for the expenses incurred in suppressing the discussions and violence which resulted within the borders of the state as an immediate consequence of the reconstruction acts of Congress.

By unanimous consent,

Under a suspension of the rules,

The memorial was read a first and second time by title and referred to the Committee on Memorials.

A message from the Senate by Mr. Orrick their secretary, viz:-

Senate Chamber, April 7, 1873.

Mr. Speaker; I am instructed by the Senate to inform your honorable body of the passage of (S.B. No. 92) entitled An act for an act to be entitled an act for the relief of Jones, McConnell & Co. and herewith transmit the same for your favorable consideration

Also (H.B. No 149) a bill for an act to be entitled an act to cure defective acknowledgements of relinquishment of dower and herewith return the same,

Mr. Warnick from the Committee of Ways and Means to whom was referred the bill of the House (H.R. 283) entitled An act

to preserve the records of the state, reported the same and recommended its passage.

Mr. Kent moved that the bill be recommitted to the Committee on the Judiciary.

Which was not agreed to.

Mr. Cate moved that the bill be recommitted to the Committee of Ways and Means with instruction to amend the bill so as to provide for preserving the records of the offices of the Auditor of State and Commissioner of Immigration and State Lands, and providing the manner in which the appropriations therefor shall be expended

Mr. Kent submitted a bill as a substitute for the original bill and moved as an amendment that the substitute bill be also referred to the Committee of Ways and Means.

Mr. Cate accepted the amendment.

The motion as amended was then agreed to.

Mr. McGehee at 4 o'clock and 10 minutes P.M. moved that the House adjourn.

Which was not agreed to.

Mr. Kingston moved that the House pass to the consideration of the bill of the House (H.R. 251) entitled An act to authorize and provide for the foreclosure of mortgages to the state in the western divisions of the Real Estate Bank of the State of Arkansas.

Which was not agreed to.

Mr. Cort from the Committee on Engrossed Bills, reported correctly engrossed the bill of the House (H.R. 164) entitled An act... securing liens to mechanics and laborers

Mr. Chaplin moved that the rules be suspended and that the bill just reported engrossed be read a third time,

Pending which,

On motion of Mr. Kingston,

The House at 4 o'clock and 15 minutes, P.M., ad-

Journal,

Approved

Speaker,

Attest.

Clerk.

Wednesday, April 9, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:—

Messrs. C. E. Berry, J. M. Berry, Neal Burns, Beasley, Briden, Burt, Chapline, Corbell, Cleveland, Cort, Copeland, Chandler, Chapman, Crosby, Cate, Cunningham, Eagle, Fox, Foster, Gist, Gilbreath, Garrett, Grimm, A. M. Hankins, O. S. Hankins, Hanna, Hankins, Harris, Hynds, Harley, Jarboe, Adams Johnson, J. M. Johnson, Joyner, Kingston, Kent, Lee, Lynn, Latta, J. M. Murphy, Mac Lead, McClure, Merritt, Miller, McKeigh, Matheny, Mitchell, Preston, Pindall, Rankins, Reid, Robertson, Robinson, Sarber, Shipley, Shapland, Spears, Stephenson, Shepherd, Stony, Sumbler, Turner, Thomas, Thurman, Tenbury, Warwick, White, Williams, The Speaker.

Prayer by the Rev. M. M. Gillam.

The journal of Tuesday was read and approved.

On motion of Mr. Chapline,

The leave of absence heretofore granted the Rev. Mr. F. B. Ford, Chaplain of the House was extended for five days.

Mr. MacLead from the Committee on Enrolled Bills, reported correctly enrolled the bill of the House (No. R. 262) An Act to provide for filling vacancies in certain cases.

On motion of Mr. Preston,

Mr. D. L. Hynds was excused for the time he was absent after the expiration of the leave of absence heretofore granted him.

On motion of Mr. Chapline

The House proceeded, under the order of unfinished business, to consider the substitute for the bill of the House (Int. H. R. 164) entitled "An act securing liens to mechanics laborers and others,"

Which was read a third time, and placed upon its passage,

After debate,

Mr. Chapline moved the previous question, which was seconded, and the main question ordered, viz: Shall the bill pass?

The question being put,

It was decided in the affirmative,—yeas 39, nays 18, not voting 25.

Those who voted in the affirmative are:—

Messrs,

Berry, C. C.
Bohm, Neal
Breidenthal,
Chapline,
Cort,
Copeland,
Chapman,
Dare,
Eagle,
Fix,
Fitz,
Gibson,
Hawkins, A. M.
Hawkins, O. S.
Hans,
Irelyn,
Johnson, Adam
Johnson, J. M.
Joyce,
Kingston,

Messrs,

Keit,
Latta,
Mowbray, J. M.
McLeod,
Marshall,
Miller,
Nixon,
Rankins,
Robinson,
Shipley,
Spears,
Stephenson,
Shepherson,
Stump,
Snider,
Hayrick,
White,
Williams
The Speaker.

Those who voted in the negative are:

Messrs,

Berry, J. M.
Barley,
Corbell,
Chandler,
Cunningham,

Messrs,

Reynolds,
Hanley,
Matheny,
Preston,
Prindall,

Messrs.
Erwin,
Fiske,
Gilbreath,
Gossett,
Shapard,
Sumpter,
Thurmond,
Thurman,
three absent or not voting are;—

Messrs.
Beardsley,
Byrom. Chas. F.
Cleveland,
Crowley,
Cate,
Fairbanks,
Hopkins Thomas
Lee,
Lynch,
Memphis. Wm,
McGehee
Merritt,
McVeigh,
Mitchell,
Paige,
Parrish,
Reid,
Robertson,
Sarber,
Stewart,
Tillman,
Thornberry,
Wheat,
Walker,
Wright,
So the bill was passed

Pending which;—

Mr. Paul Byrom before the vote announced, sent to the clerk's desk the following explanation of his vote, viz;—

Mr. Speaker: I favor this measure for the reason that I am unwilling to pass a law that discriminates in favor of one class of laborers against others—this bill favors contracting mechanics and ignores all the rights of those who are tillers of the soil—the advocates of this bill may claim that there is now a laborer's lien law, This is true enough, but the law is inoperative and not worth the ink that inscribed it or the paper it was first written With the express understanding that this bill is to be followed by another covering the wants of the farm laborer, to be entitled the laborers lien law, I vote aye,

The vote was then announced as above,

Mr. Merrick moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to,

A message from his Excellency the Governor by Mr. Mochannany his private secretary, who by unanimous consent, read the same as follows, viz:—

Executive Department, Arkansas,
Little Rock, April 8, 1873.

To the House of Representatives of Arkansas,

Gentlemen: I have signed and approved House Bill entitled "An act for the relief of collectors of revenue and for other purposes." also House bill entitled an "act making an appropriation to pay the officers, members and contingent expenses of the General Assembly" which convened on the 6th day of January 1873." also "A memorial of the general assembly of Arkansas to the Congress of the United States to restore the right to or compensate citizens of the state of Arkansas for lands of the state surveyed and marked off as a portion of the Indian Territory" all of which are herewith returned.

Elisha Baxter,
Governor of Arkansas.

By unanimous consent,

The House passed to the consideration of reports from ~~select~~ standing committees heretofore sent to the clerk's desk ~~and not having~~ been read as follows.

By Mr. Tankersley, from the select committee instructed to report such measures as will reduce the expenses and improve the financial condition of the state, to whom was referred the bill of the House (H. R. 232) entitled An act to supply casual deficits in the revenue of the state reported the same and recommended a substitute therefor.

Mr. Corbell moved that the report of the committee be adopted,

Pending which,

On motion of Mr. Latta,

Ordered, That the report of the committee lie on the table and be made special order for 11 o'clock and 30 minutes A. M. of Thursday April 10. 1873.

And,

On motion of Mr. White,

Ordered, That one hundred and fifty copies of the substitute bill be printed for the use of the House.

By Mr. Warnick from the Committee of Ways and Means, to whom was referred the bill of the House (No. R. 325) entitled An act for the relief of D. H. Lee reported the same and recommended a substitute therefor entitled An act for the relief of engineers employed by the Commissioner of Public Works and Internal Improvements.

On motion of Mr. Miller,

The report of the committee was adopted and the substitute was accordingly adopted in lieu of the original bill.

Mr. Miller moved that the bill be read a third time.

Mr. Neal Brown moved that the bill be recommitted to the Committee of Ways and Means.

After debate,

Mr. J. M. Berry, moved that the further consideration of the bill be indefinitely postponed.

After further debate,

Mr. Corbell moved the previous question, which was seconded, and under the operation thereof the motion to indefinitely postpone the further consideration of the bill was disagreed to,

The question recurring on the motion that the bill be recommitted to the Committee of Ways and Means,

Mr. Corbell moved the previous question which was seconded, and under the operation thereof the motion to recommit was disagreed to,

The question then recurring on the motion that the bill be read a third time.
It was agreed to.
And,
The bill was accordingly read a third time and placed upon its passage.
After debate,
Mr. Corbell moved the previous question, which was seconded, and the main question, ordered, viz:- Shall the bill pass?
The question being put,
It was decided in the affirmative,
— yeas 34, nays 23, not voting 25,
Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Bjorn, Chas. J.
Chapline,
Corbell,
Cort,
Copeland,
Dare,
Fox,
Hawkins, A. M.,
Hawkins, O. S.,
Hawkins, Morris
Johnson, Adam
Johnson, J. M.,
Kingston,
Kent,
Mowbray, J. M.,
McLeod,
Marshall,
Mullen,
Page,
Ryerson,
Robinson,
Sarber,
Shipley,
Shepherd,
Stephenson,
Strange,
Sumner,
Thomas,
Thornburg,
Warwick,
White,
Williams,
The Speaker.

Those who voted in the negative are:-

Messrs.

Berry, J. M.,
Bjorn, Neal
Brideothal,
Cleveland,
Chandler,
Chapman,
Cole,
Cunningham
Lee,
Lynn,
Lattin,
Matheny,
Preston,
Pindall,
Reid,
Simpkins.

Messrs.
Ennis,
Eagle,
Gilbreath,
Hynds,
Hadley,
Ward about or not voting are:—

Messrs.
Hannum,
Filben,

Messrs.
Beardsley
Beasley,
Bowdy,
Fairbairn,
Forter,
Gist,
Gossett,
Gurnsey,
Harris,
Irelyn,
Joyner,
Murphy, Wm,
McClellen,

Messrs.
Merritt,
McVeigh,
Mitchell,
Nunn,
Parrish,
Rankin,
Spears,
Shepperson,
Stewart,
Wheat,
Walker,
Wright,

So the bill was passed

Pending the vote:—
Mr. Pikedall (when his name was called) sent to the clerk's desk the following explanation of his vote, viz:—
Mr. Speaker: No officer can make a contract for any purpose that will bind the state unless authorized by law. Believing the law under which this contract was made was unconstitutional and void and conferred no authority on the commissioner of public works and internal improvements to employ any one to do this work— I vote no.
Mr. Bridenthal. before the vote was announced, sent to the clerk's desk the following explanation of his vote, viz:—
Mr. Speaker; I regard this claim as connected with a huge swindle known in history as the Lewis bond swindle— therefore I vote no.

Mr. M. E. Hankins before the vote was announced sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: I am much as I believe that it is the duty of the state to sustain all lawful contracts made by her officers and also believing that said claims are just and ought to be paid, I therefore vote aye.

Mr. Shumbury subsequently sent to the clerk's desk the following explanation of his vote, viz:-

Mr. Speaker: As there has been no fraud shown either in the contract or work of these parties and believing they are innocent of any fraud or corruption and as their accounts have been approved as just and correct, I must vote aye.

The vote was then announced as above.

Mr. Miller moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table, which latter motion was agreed to.

Mr. Cobell at 12 o'clock and 20 minutes P. M. moved that the House take a recess until 2 o'clock and 30 minutes P. M.

Which was not agreed to.

Mr. Cobell at 12 o'clock and 21 minutes P. M. moved that the House adjourn.

Which was not agreed to.

On motion of Mr. Fox,

The House proceeded under the rule to consider the substitute for the bill of the Senate (Sub. S. 132) entitled An act to divide the state into six ten judicial circuits, to confer original jurisdiction in all matters pertaining to private and administration upon circuit courts, and to fix the time for holding said courts.

Which was read a first time.

Mr. Fox moved that the rules be suspended and that the bill be read a second time by title,

Which was not agreed to, (two-thirds of

the members present not voting therefor.)

On motion of Mr. Warwick,

The House proceeded to consider the bill of the Senate (S. 81) entitled An act to encourage immigration to the state of Arkansas.

Which was read a first time,

Mr. Chaplin at 12 o'clock and 52 minutes P.M. moved that the House take a recess until 2 o'clock and 30 minutes P.M.

Mr. Pindall moved that the House adjourn,

Which was not agreed to,

The question recurring on the motion that the House take a recess until 2 o'clock and 30 minutes P.M.

Mr. Cox, moved an amendment that the take a recess until 3 o'clock, P.M.

Which latter motion was agreed to.

And thereupon,

The House at 12 o'clock and 53 minutes P.M. took a recess until 3 o'clock P.M.

After the recess,

The House met at 3 o'clock P.M.

Mr. Thomas at 3 o'clock and 1 minute P.M. moved that the House adjourn,

Which was not agreed to.

The roll being called it appeared that the following named members were present and answered to their names, viz;

Messrs. J. M. Berry, Neal Brown, Chas. F. Brown, Beasley, Bridenthal, Cleveland, Chandler, Cunningham, Erwin, Foster, Gist, Gilbreath, Hinson, Hynds, Jordyn, Adam Johnson, J. M. Johnson, Joyner, Kent, Lee, Lynn, Latta, McLeod, Marshall, McVeigh, Matheny, Mitchell, Nunn, Preston, Pindall, Reid, Robertson, Robinson, Shipley, Spears, Stephenson, Shepperson, Stuby, Thomas, Thornberry, White, The Speaker.

A quorum not being present,

On motion of Mr. J. H. Johnson,
The House at 3 o'clock and 5 minutes P. M., adjourned.

Thursday, April 10, 1873.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. C. E. Berry, J. M. Bury, Bridenthal, Chipley, Corbell, Cleveland, Cox, Copeland, Chandler, Crowley, Cate, Cunningham, Dame, Ernest, Eagle, Fontaine, Foster, Fish, Gilbreath, Gorrell, Gibson, O. S. Hankins, Monroe Hankins, Harris, Hynds, Harley, Irvin, Adgate Johnson, Haynes, Kingston, Knott, Lynch, Latta, Mann, Murphy, McLeod, Marshall, Merritt, Miller, McVeigh, Mabry, Mitchell, Nunn, Page, Peyton Pisdall, Rawlins, Reid, Robertson, Robinson, Shipley, Sheppard, Spears, Stephenson, Stacy, Sutherlin, Thierry, Thomas, Tillar, White, Williams, Wright, The Speaker,

Prayer by the Rev. Mr. P. M. Gilliam,

Tuesday's journal of Wednesday was read and approved.

On motion of Mr. Knott,

The House proceeded under the rule to consider the bill (S. 135) entitled An act to provide for clerks of circuit courts in certain counties and define their duties,

Which was read a first time,

Mr. Reid moved that the further consideration of the bill be indefinitely postponed,

Mr. Corbell moved the previous question, which was seconded and the main question ordered, viz: Shall the further consideration of the bill be indefinitely postponed?

Mr. Knott asked for the yeas and nays,

The question being put,

It was decided in the negative, — yeas 15, nays 37.

Those who voted in the affirmative:—

Messrs.

Berry, J. M.
Beasley,
Brockenbrough,
Cunningham,
Ezzell,
Eagle,
Flet,
Gosett
Haynes.

Messrs.

Harley.
Lynn,
McVeigh,
Matthews,
Preston,
Reid,
Sumpter,
Thurman,
Tillar.

Those who voted in the negative:—

Messrs.

Berry, C. E.
Bunn, Neal.
Bunn, Chas. F.
Chapline,
Corbell,
Cox,
Copeland,
Dane,
Fentress,
Gilreath,
Fuesen,
Hankins, Adams
Harris,
Irby,
Johnson, Adam
Johnson, J. M.
Joyner,
Kingston
Kent,

Messrs.

Lee,
Murphy, Asa,
McLeod,
Marshall,
Merritt,
Miller,
Mitchell,
Nunn,
Rankin,
Robinson,
Shipley,
Speed,
Stephenson,
Story,
Sumner,
Thurman,
White,
Wright.

So the House refused to indefinitely postpone the further consideration of the bill.

By unanimous consent,

On motion of Mr. Cox,

Under a suspension of the rules.

The bill was read a second time by title.

Mr Prewett moved that the bill be referred to the Committee on the Judiciary.

Mr. Coit moved as a substitute that the bill lie on the table and be made special order for a third reading for 11 o'clock and 30 minutes A. M. of Friday, April 11, 1873.

Which latter motion was agreed to.

On motion of Mr. Preston,

The House proceeded to consider the memorial of the House (H. Mem. 7) a memorial to the Congress of the United States asking the improvement of the navigation of White River at Little Island.

Which was read a second time

On motion of Mr. Preston.

The memorial was amended by inserting after the word "Island" and before the word "there" the words "and also at or near St Charles."

And

On motion of Mr Preston.

Ordered. That the memorial be engrossed for a third reading and be made special order for 1 o'clock and 30 minutes P.M. of Friday, April 11, 1873.

On motion of Mr. Kingston.

The House proceeded to consider the bill of the House (H.R. 305) entitled An act to regulate the payment of Auditor's warrants.

Which was read a second time,

Mr. Kent moved that the bill be amended by striking out the words "tenth day of April" and inserting in lieu thereof the words "twenty-fifth day of April"

Pending which,

On motion of Mr. Fox,

The bill was referred to the Committee on the Judiciary.

Under the rule,

Von White from the Committee on Cities and Towns, to which was referred the bill of the House (H.R. 30) entitled An act amendatory an act for the incorporation of cities and towns, approved July 23, 1868, reported the same and recommended that the bill be amended by striking out in section 1. the words "the Justice

miles" and inserting in lieu thereof the words "one half square miles"; and also by adding to the same section the words "and notice thereof shall be given of such petition at least three of the most public places within such city, town or district for at least sixty days prior to such regular term of such circuit court in which such petition is to be considered."

Also, from the same committee to whom was referred the bill of the House (H.B. 264) entitled An act to authorize cities and towns to subscribe stock in incorporated companies reported the same and recommended that the bill be amended by striking out the fifth section of the bill.

And,

On motion of Mr. Sauber

Ordered. That the reports lie on the table subject to the call of the House.

Mr. Shrigley from the Committee on Militia, to whom was referred the bill of the Senate (S. 70) entitled An act for the relief of the state guards and for other purposes, reported the same and recommended its passage.

And,

On motion of Mr. Cunningham,

The bill was recommitted to the Committee of Ways and Means.

On motion of Mr White

Ordered. That the select committee on the resources of State lands and their uses be instructed to make a report to this House on to-morrow morning.

Mr. Corbell moved that the House proceed to consider the bill of the House (H.B. 256) entitled An act to provide for the adjustment of the claims of this state against the United States Government

Which was not agreed to.

Mr. Dillon moved that the Committee of Ways and Means be instructed

to report the Bill of the House (H. R. 52) entitled An act to amend section 133 of an act regulating the assessment and collection of the revenue of the state of Arkansas, approved March 25, 1871, by 10 o'clock A.M. of Friday, April 11, 1873.

Mr. Orbell moved as an amendment that the committee be instructed to report the bill within ten minutes.

Pending the consideration of the motion.

The hour of 11 o'clock A. M. having arrived being the hour set for the consideration of the bill of the House (H. R. 284) entitled An act to create two commissioners to attend the Vienna exposition to be held May 8, 1873.

On motion of Mr. Fellow

The consideration of the special order was postponed for 20 minutes

Mr. Cate from the Committee on Enrolled Bills reported correctly enrossed the bill of the House (H. R. 79) entitled An act for the protection of farmers.

A message from the Senate by Hon. Onnick their secretary, viz:-

Senate Chamber, April 10, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of H. J. R. No 23 entitled a joint resolution to furnish the Fort Smith district with supreme court reports digest & codes &c and herewith returns the same.

Also (Sub. for H. B. No 280) entitled an act entitled an act to create the county of Faulkner and for other purposes and herewith returns the same.

Also (S. B. No. 170) entitled An act requiring railroads trains to come to a full stop before crossing other railroads tracks or before crossing draw bridges and herewith transmits the same for your favorable consideration.

Also (S. B. No. 168) entitled an act to be entitled an act fixing the salary of the reporter of the Supreme court. and herewith transmits

Messrs.

Johnson, Adam
Johnson, J. M.
Kingston,
Kent,
Lee,

Messrs.

White,
Wheat,
Williams,
The Speaker.

So the amendment was not agreed to.

Mr. Miller moved that the bill be read a third time, and moved the previous question.

And,

The question being put, Shall the main question be now put?

It was not agreed to.

Mr. Cate moved that the bill be amended by adding to section 1. the following proviso, viz:-

Provided, That if two or more persons attempt to assert their rights to office through the courts of this state or before any tribunal legally authorized to try contested elections, they shall not, under any circumstances, be prosecuted under the provisions of this act for conspiracy as herein defined, or be considered in any manner in violation of this act,

Mr. Miller asked for the yeas and nays;

The question being put, Shall the amendment be agreed to?

It was decided in the negative, - yeas 34, nays 35,

The yeas and nays being demanded by five members.

Those who voted in the affirmative are:

Messrs.

Berry, J. M.
Bierley,
Brideuthal,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham,
Ennis

Messrs.

Latta
Murphy, J. M.
Matheny,
Mitchell,
Preston,
Pindall,
Parrish,
Reid,
Robertson

Messrs.
Eagle,
Foster,
Gilbreath
Gossett,
Hynds,
Harley,
Joyner,
Lynn

Messrs.
Sayers,
Sumpter,
Thurber,
Thomason,
Tillar,
Warwick,
Walker,
Wright.

Those who voted in the negative are:-

Messrs.
Brown, Neal
Brown, Chas. F.
Chapline,
Corbell,
Cleveland,
Cox,
Copeland,
Daire,
Dot,
Eastwood,
Hawkins, A.H.,
Hawkins, O.S.
Hawkins, Monroe
Joslyn,
Johnson, Adam
Johnson, J. M.
Kingston,
Kent,

Messrs.
Lee,
McLeod,
McMillen,
Nunn,
Page,
Rawlins,
Robinson,
Shipley,
Speed,
Stephenson,
Strong,
Stewart,
Turner,
White,
Wheat,
Williams,
The Speaker,

So the amendment was not agreed to.

Mr. Thurber moved that the bill be amended by adding to section 2 the following words:-

That the words "being qualified in the manner prescribed by law" shall be construed to empower and require courts and other tribunals, authorized to inquire in the qualifications of officers, in the meaning of this act, to consider of and inquire into the holding and conducting of the elections at which the contesting party or parties

elected, and especially are said courts or other tribunal prohibited from deciding any case arising under this act upon a mere question of law arising on demurrer or otherwise, but are hereby required to make such orders as will ensure the investigation of the facts and merits,

Pending the consideration of the motion,

Mr. Stuyvesant at 12 o'clock and 55 minutes P.M., moved that the House adjourn,

Mr. Kingston asked for the yeas and nays,

The question being put,

It was decided in the negative,—yeas 27, nays 42.

The yeas and nays being desired by five members,

Those who voted in the affirmative are:-

Messrs.

Berry, J. M.
Bickley,
Brideuthal,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham
Ennis,
Eagle,
Fuller,
Gilbreath,
Gossett,
Hynds.

Hagley,
Latta,
Matheny,
Mitchell,
Nunn,
Preston,
Prindall,
Parrish,
Reid,
Stuyvesant,
Thomas,
Thurman,
Wright.

Those who voted in the negative are:

Messrs.

Bynum, Neal
Bynum, Chas. F.
Chapline,
Corbell,
Cleveland,
Cort,
Copeland,
Davis,
Fox,

Murphy, J. M.
McLeod,
Merritt,
Mullen,
Page,
Rawlins,
Robinson,
Barber,
Shipley,

Messrs.

Ingbrath,
Hankins, A. M.,
Hankins, O. S.
Hankins, Thomas,
Jocelyn,
Johnson, Adam,
Johnson, J. L.,
Joyner,
Kingston,
Kent,
Lee,
Lynn,

Messrs.

Speas,
Stephenson,
Strong,
Stewart,
Turner,
Tillman,
Warwick,
White,
Wheat,
Walker,
Williams,
The Speaker,

So the House refused to adjourn.

The question then being on the motion to amend the bill,

Mr. Cox moved the previous question, which was seconded and under the operation there of the motion was disagreed to.

The question then recurring on the motion that the bill be read a third time,

Mr. Miller moved the previous question which was seconded and under the operation thereof the motion was agreed to.

And

The bill was accordingly read a third time.

Mr. L. L. Johnson moved that the bill be placed upon its passage, and moved the previous question, which was seconded, and under the operation thereof the bill was placed upon its passage.

And.

The question being put, Shall the bill pass?

It was decided in the affirmative,—yeas 40, nays 31, not voting 11.

Those who voted in the affirmative are:-

Messrs.

Byrum, Neal
Byrum, Chas. F.
Chapline,
Corbell,
Eberhard,
Cox,

Messrs.

McLeod,
Marshall,
McGehee,
Merritt,
Miller,
Inman,

Messrs.

Copeland,
Davie,
Fox,
Fuerbush,
Hankins, A. M.
Hankins, O. S.
Hankins, Messrs
Joslyn,
Johnson, Adam
Johnson J. M.
Kingston,
Keith,
Lee,
Murphy, J. M.

Messrs.

Spear,
Stephenson
Shipperson
Strong,
Stewart,
Sumner
Page,
Rankins,
Robinson,
Barber,
Shipley
Warwick
White
The Speaker

Those who voted in the negative are:—

Messrs,

Berry, J. M.
Bezley,
Brindenthal,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham
Erwin,
Eagle,
Foster,
Gilbreath
Gorrell,
Hyde,
Harley,
Joyner,

Messrs.

Lynn,
Latta,
Mathews,
Mitchell
Preston,
Pridall,
Parrish,
Reid,
Robertson,
Sumpter,
Symons,
Thomason,
Tillar,
Walker,
Wright

Those absent or not voting are,—

Messrs.

Berry, C. E.
Bradsley,
Lyet
Grisson,
Harris,
Murphy, Wm,

Messrs.

McVeigh,
Shapard,
Thigpen,
Wheat,
Williams,

So the bill was passed

Mr. Sarber moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to,

By unanimous consent,

Mr. Turner submitted, as a privileged question, a joint resolution (H. R. Res. 10) a joint resolution providing for a recess of the General Assembly from February 22, 1873, to February 28, 1873,

Which was read a first time,

On motion of Mr. Sarber,

The rules were, by unanimous consent, suspended, and

The joint resolution was read a second time,

Mr. Sarber moved that the joint resolution be amended by striking out the words "Saturday, the 22nd" and inserting in lieu thereof the words "Friday, the 21st".

Mr. Cunningham moved as an amendment that the joint resolution be further amended by striking out the words "28th day of February, A. D. 1873", and inserting in lieu thereof the words "March 5th and that members and officers receive no pay for the time during the adjournment,"

Which was not agreed to

The question then recurring on the motion that the joint resolution be amended by striking out the words "Saturday the 22nd" and inserting in lieu thereof the words "Friday the 21st",

It was agreed to,

Mr. Reid moved that the further consideration of the joint resolution be postponed and made special order for 12 o'clock, M. on the morrow,

Which was not agreed to,

Then,

On motion of Mr. Sarber,

Under a suspension of the rules,

The joint resolution was read a third time and placed upon its passage.

The question being put, Shall the joint resolution pass?

It was decided in the affirmative,—yeas 42, nays 29, not voting 11.

Those who voted in the affirmative are:—

Messrs.

Brown, Neal
Chaplin,
Corbell,
Cleveland,
Coit,
Copeland,
Davis,
Fox,
Fairbrush,
Gilbreath,
Hawkins, A. Mc.
Hawkins, O. S.
Hawkins, Moses
Jorlyn,
Johnson, Adam
Johnson, J. Mc.
Lee,
Latta,
Murphy, J. Mc.
McLeod,
Marshall,
McClellan,
Merritt,
Millen,
Mitchell,
Page,
Rawlins,
Robinson,
Sarber,
Shipley,
Sheppard,
Spears,
Stephenson,
Strong,
Swindle,
Stewart,
Sumner,
Shriver,
Warwick,
White,
Wheat,
Williams,

Those who voted in the negative are:—

Messrs.

Berry, J. Mc,
Brown, Chas. F.
Brodenthal,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham,
Erwin,
Eagle,
Foster,
Kingston,
Lynn,
Mahony,
Nunn,
Preston,
Randall,
Parrish,
Reid,
Robertson,
Shriver,
Tillar,

Messrs.
Gozett,
Hynds,
Harley,
Snyder,

Messrs.
Walker,
Wright,
The Speaker.

There absent or not voting are;-

Messrs.
Berry, b. C.
Beardsley,
Beasley,
Bost,
Grimm.
Davis

Messrs.
Kent,
Murphy, Wm.
McVeigh,
Shepperson,
Thornburg.

So the joint resolution was passed.

Mr. Sarber moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

On motion of Mr. Thornburg,

The rules were suspended, (two-thirds of the members present voting therefor), and

The House proceeded to consider the bill heretofore sent to the clerk's desk by Mr. L. H. Johnson (H. R. 181) entitled "An act to protect all persons in their civil rights, in the State of Arkansas, and to furnish means for their vindication,"

Which was read a first time,

Mr. L. H. Johnson moved that the rules be suspended, and that the bill be read a second time by title,

Which was not agreed to (two-thirds of the members present voting therefor.)

On motion of Mr. Reid

The rules were suspended (two-thirds of the members present voting therefor), and

Mr. Reid moved that the vote just had by which the House refused to suspend the rules be reconsidered,

Which was agreed to,

Then

On motion of Mr. Reid,

The rules were suspended (two-thirds of the members present voting therefor), and
The bill was read a second time by title,
On motion of Mr. J. H. Johnson,
Ordered, That the bill lie on the table and be made special order for a third reading for 12 o'clock M. on the morrow,
And,
On motion of Mr. J. H. Berry,
Ordered, That one hundred and fifty copies of the bill be printed for the use of the House,
Under a suspension of the rules,
Mr. Fox moved that Joe. H. Stewart and W. G. Gray, who have acted as assistants to the Enrolling Clerk since the House organization be recognized as assistants and allowed their per diem,
After discussion,
Mr. Corbell moved the previous question which was seconded and under the operation thereof the motion was agreed to,
And then,
On motion of Mr. O. S. Hawkins
The House, at 2 o'clock and 12 minutes P. M., adjourned
Approved.

Speaker,

Attest

Clerk,

Thursday, February 20, 1873.

Prayer by the Chaplain.

The journal of Wednesday was read and approved.

On motion of Mr. Finbuck.

Leave of absence was granted Mr. Peter Mitchell, Sergeant-at-Arms of the House, fortem days.

A message from the Senate by Mr. Orick their Secretary, viz:-

Senate Chamber, Feby 19th - 1873.

Mr. Speaker:- I am instructed by the

Senate to inform your honorable body of the passage by the Senate of a substitute for Senate bills No. 54 and 244, No 5-4 being A bill, to be entitled An act to enable the owners of buildings to collect rent and No 244 being An act for the assessment and enforcement of vendors lien, and I herewith transmit the substitute the same being An act for the assessment and enforcement of vendors' and landlords' liens, for your favorable consideration.

I am also instructed by the Senate to inform your honorable body of the passage by the Senate of (House Bill No. 86) An act entitled an act to provide for the levying and collecting of taxes in the towns of Lonoke and Des Arc Prairie county Ark's. and herewith return the same.

By unanimous consent,

Mr Walker submitted the following preamble and motion, which was agreed to, viz:-

Whereas, It appears from the report of the Commissioner of Claims that the state militia while in service in 1868 and 1869 took from the citizens of the state of Arkansas property to the amount of $449.892.52.

Therefore, that for the information of this General Assembly the Adjutant General of the state militia be required to submit to the Committee on Claims a report within ten days from this date showing the amount of property turned over by said militia to the state, and otherwise disposed of by said militia during the years 1868 and 1864.

Mr. Cunningham moved that the rules be suspended and that he be allowed to move to reconsider the vote by which the House agreed to the motion recognizing and allowing per diem to Jos. H. Stewart and W. L. Gray as Assistant enrolling clerks of the House,

Which was not agreed to, (two-thirds of the members present not voting therefor),

The House resumed the regular order of business, and

Mr. Shappard introduced a joint resolution (H. J. Res. 11) a joint resolution providing for the enforcement of law, and the restoration of peace in Pope county, Ark-ansas

Which was read a first time,

Mr. O. D. Hankins moved that the rules be suspended and that the joint resolution be read a second time by title.

Which was not agreed to (two-thirds of the members present not voting therefor).

Mr. Brierly introduced a bill (H. R. 177) entitled An act to define and establish the boundary line between the counties of Columbia and Nevada.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title, and

On motion of Mr. Kent,

Was referred to the Committee on Counties and County Lines.

Under a suspension of the rules,

Mr. Fox from the Committee on the Judiciary to whom was referred the bill of the House (H. R. 55) entitled An act to regulate the fees of officers in criminal cases, reported the same and recommended that the bill do not pass.

Also from the same committee to whom was referred the substitute for the bill of the House (Sub. H. R. 301) entitled An act to authorize the county court of Benton county to appoint an Internal Improvement Commissioner for Benton county reported the same and recommended that the bill be amended by striking out in section 1, line 4, the words "Counties of Benton and Crawford" and inserting in lieu thereof the words "several counties"

The report of the committee was adopted, and the amendments accordingly agreed to, and

On motion of Mr. J. H. Berry

Ordered, That the bill be engrossed for a third reading and be made special order for 11 o'clock A. M., of Saturday, March 1, 1873.

Also, from the same committee to whom was referred the bill of the House (H. R. 54) entitled "An act to repeal an act authorizing the Treasurer to issue interest bearing certificates on bank note paper, approved March 16, 1871, and the act supplementary thereto, approved March 23, 1871, reported the same and recommended that the bill be referred to the Committee of Ways and Means.

The report of the committee was adopted and the bill accordingly referred to the Committee of Ways and Means.

Also from the same committee to whom was referred the bill of the House (H. R. 68) entitled "An act to prevent certain persons from practicing medecine in Arkansas, reported the same and recommended that the bill be amended by inserting, in section 2, after the word "less" the words "than one dollar"

The report of the committee was adopted and the amendment accordingly agreed to.

Also, from the same committee to whom was referred the bill of the House (H. R. 69) entitled "An act allowing fees to attorneys who prosecute for the state in certain cases, reported the same and recommended its passage.

On motion of Hon. Pindall.

Ordered, That the bill be engrossed for a third reading and be made special order for 1 o'clock and 30 minutes P.M., of Saturday, March 1, 1873.

Also from the same committee to whom was referred the bill of the House (H. R. 65) entitled "An act to regulate the licensing physicians in this state" - to prevent apothecaries vending and exposing to sale, within this state, drugs and medecines without a license from the Board of Physicians, and to prevent merchants, shop-keepers and all other persons, from compounding and preparing drugs and medecines, or either, reported the same and recommended that the bill be not passed.

Also, from the same committee, to whom

was referred the bill of the House (H. R. 100) entitled An act authorizing the issuance of attachments, reported the same and recommended its passage.

Also, from the same committee, to whom was referred the bill of the House (H. R. 133) entitled An act to prevent illegal cohabitation, reported the same and recommended that the bill be not passed

Also, from the same committee, to whom was referred the bill of the House (H. R. 152) entitled An act to punish persons for disturbing religious congregations and schools, reported the same and recommended that the bill be not passed.

Also, from the same committee, to whom was referred the bill of the House (H. R. 153) entitled An act in reference unto municipal corporations, reported the same and recommended its passage.

On motion of Mr. Fox,

Ordered, That the bill last reported be engrossed for a third reading and be made special order for 11 o'clock and 30 minutes A. M. of Saturday, February 29, 1873.

Also, from the same committee, to whom was referred the bill of the House (H. R. 162) entitled An act to repeal section 20, chapter 70, of Gould's Digest, reported the same and recommended that the bill be amended by inserting after section 2, the following section:—

"Section 3 That in all cases the owners of the soil where the ferry landing is purposed to be established shall be entitled to the ferry franchise to the exclusion of all other persons, unless public convenience shall require more ferries than one."

Also, that the bill be further amended by striking out the words "section 3", and inserting in lieu thereof the words "section 4."

The report of the committee was adopted and the amendments accordingly agreed to.

And,

On motion of Mr. Eagle

Ordered, That the bill be engrossed for a third reading and be made special order for 11

o'clock A. M., of Monday, March 3, 1873.

Also, from the same Committee to whom was refered the bill of the House (H. R. 168) entitled An act to cure defective conveyances, reported the same and recommended its passage.

On motion of Mr. Fox,

Ordered, That the bill last reported be engrossed for a third reading and be made special order for 11 o'clock A. M. on the morrow.

Also, from the same committee, to whom was refered a memorial from the administrator of the estate, widow and guardians of the children of Isaac C. Hicks, deceased, for the passage of a bill authorizing the administrator to sell and convey the estate of the said Isaac C. Hicks, deceased, for the use and benefit of his children, returned the same with the report that in the opinion of the committee, the granting of the prayer of the petitioners is prohibited by the provisions of the constitution of the state.

Also, from the same committee to whom was refered the joint resolution of the House (H. J. Res. 9) a joint resolution appropriating one hundred and fifty dollars to defray the expenses of interment of Peter Conway, deceased, late janitor of the House, reported the same and recommended a bill as a substitute therefor (H. R. 196) entitled An act to provide for the burial of Peter Conway; together with the recommendation that the bill be not passed.

The report of the committee was adopted, and the substitute bill was accordingly adopted in lieu of the joint resolution.

Mr. Pindall from the same committee, to whom was refered the bill of the Senate (S. 22) entitled An act supplementary to chapter 62 of Sandel's Digest reported the same and recommended, as a majority of the committee, that the bill be not passed.

Under a suspension of the rules,

Mr. Shinn from the Committee on Counties and County Lines, to whom was refered the bill of the House (H. R. 66) entitled An act

to change the boundary lines of Woodruff, Monroe, and Prairie counties, reported the same and recommended its passage.

Under a suspension of the rules.

On motion of Mr. Kent,

Ordered, That Jos. H. Stewart and W. L. Gray, assistant enrolling clerks, be forthwith discharged, unless their further employment is thought necessary by the Clerk of the House.

Under a suspension of the rules,

On motion of Mr. A. H. Hawkins.

The Committee on the Judiciary were instructed to return to the House (H. R. 167) entitled An act for the relief of Chas. B. Fitzpatrick, John H. Haggard and H. H. Wygant, and for other purposes.

Under a suspension of the rules.

Mr. Stewart from the Committee on Memorials, to whom was referred the memorial of the House (H. Mem. 5) a memorial to the Congress of the United States asking for the passage of an amendment to the act providing for the sale of the military reservation at Fort Smith, reported the same and recommended a substitute therefor,

The report of the committee was adopted, and the substitute was accordingly adopted in lieu of the original memorial.

On motion of Mr Stuart,

The rules were suspended (two-thirds of the members present voting therefor), and

The substitute memorial was read a third time and placed upon its passage.

The question being put, Shall the memorial pass?

It was decided in the affirmative,—yeas 65, nays 2, not voting 17.

Those who voted in the affirmative are;—

Messrs.

Berry, C. E.
Berry, J. H.
Brown, Neal

House,

Lee,
Lynn,
Latta,

Messrs.
Brown, Chas. S.
Beasley,
Chaplin,
Corbell,
Cleveland,
Coit,
Copeland,
Chandler
Chapman,
Crowley,
Cate,
Cunningham,
Davis,
Ervin,
Eagle,
Fox,
Fairbush,
Foster,
Gilbreath,
Hawkins, A. M.
Hawkins, O. S.
Hawkins, Monroe
Hynds,
Harley,
Lyles,
Johnson, Adam
Johnson, J. H.
Joyner,
Kingston
Kent,

Messrs.
Murphy,
McLeod,
McIntee,
Merritt,
Miller,
Matheny,
Nunn,
Page,
Preston,
Pindall,
Rankins,
Reid,
Robertson,
Robinson,
Shapard,
Speare,
Stephenson,
Shepherson,
Stagg,
Sudduth,
Stewart
Thomason,
Tyler,
White,
Wheat,
Walker,
Williams,
Wright,
The Speaker,

There who voted in the negative are:-

Messrs.
Lizzett,

Messrs.
Parish,

There absent or not voting are

Messrs.
Beardsley,
Briden thal
Lyet,
Grissom,
Murphy, Wm,
Marshall,

Messrs.
Mitchell,
Sanders
Shrigley,
Tyrrell,
Thynne,
Thornburg

Messrs. Harris McNeigh

Messrs. Warwick,

So the memorial was passed.

Hon. A. B. Hawkins from the Committee on Elections, to whom was recommitted the report of that committee, in the matter of the contested election in the Thirteenth representative district, submitted the following additional report, and accompanying evidence thereon, which was read, viz:—

Your Committee on Elections to whom was recommitted the Papers and former report made by this committee, in the contested election case of the Thirteenth Senatorial and Representative District, have the honor to submit a supplemental report in said case as follows, to-wit:

Your committee have taken further testimony, which shows that in addition to the grounds of disqualification stated in the former report of this committee, that the said L. O. Gilbreath is ineligible to a seat in the House of Representatives, by reason of his being County Clerk of Scott county, in this State, on the day of his pretended election, viz: November 5th, 1872, and held and claimed to be such clerk, and exercised the duties thereof after said election, That the said L. O. Gilbreath, up to the 26th day of November, A. D. 1872, during and up to which time he held and exercised the duties of said office of County Clerk of Scott county Arkansas, and claimed to be such clerk.

Section 11, Article 5, of the Constitution of the State of Arkansas reads as follows:

"No person holding any office under the United States, or this state, or any county office, excepting postmasters, notaries public, officers of the militia, and township offices, shall be eligible to have a seat in either branch of the General Assembly, and all votes given for any such person shall be void."

In view of all the facts, your committee would therefore recommend the adoption of the recommendation in the original report to which this is supplemental.

A. B. Hawkins, Chairman
S. H. Hadley,

Seal Brown,
Rufus Lee,
Benton Gunnin,
Committee on Elections

N. St. Floyd being duly sworn, says: I am sheriff of Scott county, Arkansas; I know L. O. Gilbreath, and know he was clerk of Scott county. That, on the 5th day of November A. D. 1872, he, the said L. O. Gilbreath, did administer oaths to persons who had failed to register, and signed their certificates as County Clerk; and on the 6th day of November, he signed a receipt of the returns of election; and on the 6th day of November he swore in Mr. Hyman as County Clerk of Scott County, and said he thought he had the right to do so, he holding over.

O. J. Peschell being duly sworn, says; I reside at Rockport, Hot Spring county, Arkansas, am acquainted with the parties in this case, L. O. Gilbreath was clerk of Scott county two years ago; I saw him there some time in 1870; the last time I saw him before the election was at Rockport, at the September term of the Hot Spring court. On or about the 28th of October, 1872, I had a consultation with J. J. Sumpter, G. G. Latta, E. H. Nichols and H. H. Bassett; we talked over the matter of L. O. Gilbreath being county clerk of Scott county, and concluded that he (Gilbreath) did not know that the holding of the office would disqualify him, and concluded to send his resignation to Little Rock for him. I wrote out the resignation, and E. H. Nichols signed L. O. Gilbreath's name to it; we then sent a messenger to Waldron, the county seat of Scott county, to notify Gilbreath what we had done, and forwarded the resignation to Governor Hadley by Capt. Hogner; the messenger did not return until about the 8th day of November" (Here the resignation, as filed in the Secretary of State's office, was shown the witness, and by him recognized as the same one written by him, a copy of which is hereunto attached.

and marked "Exhibit A. "1"

L. O. Gilbreath, one of the contestees in this case, being duly sworn, says. "I did not authorize Nichols or Pechell to sign my name to the resignation; did not know anything about it until the messenger arrived in Waldron, Scott county, notifying me of the fact; I wrote back to Nichols and Pechell that it was all right, I had a resignation prepared, but did not send it."

Exhibit A.

Waldron, Scott county, Arkansas
October 29th. 1872.

To His Excellency O. A. Bradley, Governor of Arkansas.

Sir; I hereby resign my office as County Clerk of Scott county, Arkansas, to take effect on the 4th day of November, A. D. 1872, at 5 o'clock P. M. of said day.

Very respectfully
L. O. Gilbreath

Office Secretary of State, Arkansas.

I, J. M. Johnson, Secretary of State, Arkansas, certify that the annexed and foregoing is a true and correct copy of the original now on our office.

In testimony whereof I have hereunto set my hand and affixed my official seal, at Little Rock, this 20th day of February, A. D. 1873

J. M. Johnson.
Secretary of State.

Mr. Chaplin moved that the further consideration of the report be postponed and made special order for 11 o'clock A. M. of Saturday, February 22, 1873.

Mr. Johnson moved as an amendment that one hundred and fifty copies of the report and accompanying evidence be printed for the use of the House.

Which was agreed to,

The motion, as amended, was then adopted.

By unanimous consent,

Mr. Reid asked and obtained leave of absence for himself, for 10 days.

By unanimous consent,

Mr. McClehee laid before the House the following communication from Mr. J. D. Page, the Post-master of the House, which was read, viz:-

House of Representatives
Little Rock Feb. 20, 1873.

To the Honorable House of Representatives
Mr. Speaker; After an expiration of nine six weeks I am satisfied that the duties of My office can be performed by myself without the assistance of an assistant, and report to this honorable body my willingness to perform the duties of the post-office department without incurring upon the people the further expense of an Asst. Postmaster.

Very Respectfully
J. D. Page
P. M. H. R.

Under a suspension of the rules
On motion of Mr. McClehee
Ordered, That the position of assistant Postmaster of the House be dispensed with from this date,

Under a suspension of the rules;
On motion of Mr. Timms,
Ordered. That the bill of the House (H.R. 66) entitled An act to change the boundary lines of Woodruff, Wagnon and Prairie counties, be engrossed for a third reading and be made special order for 11 o'clock A.M. of Tuesday, March 4, 1873.

The House resumed the regular order of business, and,

Mr. Morris Hawkins, introduced a bill (H.R. 178) entitled An act to amend an act entitled an act to regulate the practice in the matter of exemption of property from execution or final process.

Which,

By unanimous consent,
Under a suspension of the rules,
Was read a first and second time by title
and referred to the Committee on the Judiciary.
Mr. Walker introduced a bill (H. R. No. 1...
titled An act to authorize dissection in certain cases
for the advancement of science,
Which was read a first time.
By unanimous consent,
Under a suspension of the rules,
The bill was read a second time by title.
On motion of Mr. Reid,
The bill was referred to a select committee
of three members of the House by the Speaker
to consist of physicians.
The Speaker appointed as such committee Mr. J. G. Walker, Mr. L. G. White and
L. B. Mitchell.
The hour of 12 o'clock M. having arrived
The House proceeded to consider the special order set for that hour, being the consideration of the bill of the House (H. R. No. 1...
An act to protect all persons in their rights in the State of Arkansas and furnish means for their vindication,
On motion of Mr. J. M. Johnson,
Ordered, That the bill lie on the table to be made special order for 10 o'clock A. M. to-morrow.
The House resumed the regular business, and
Mr. Rivington introduced a bill (H. R. No. 1...
entitled An act to revive and extend the charter of the Memphis and Little Rock Railroad Company,
Which was read a first time.
By unanimous consent,
Under a suspension of the rules,
The bill was read a second time by title and referred to the Committee on

Improvements.

Under a suspension of the rules,
Mr. Robinson gave notice of the introduction of a bill to be entitled An act to amend an act regulating roads and highways,

Under a suspension of the rules,
On motion of Mr. McLeod,
The House proceeded to consider the substitute for the bill of the House (Sub. H.R. 112) entitled An act for the relief of Amanda Gibbs,

Which was read a third time,
And,
By unanimous consent,
Ordered. That the bill be placed upon its passage.
The question being put. Shall the bill pass.?
It was decided in the affirmative.—
yeas 58, nays 1, not voting 2, 3.
Those who voted in the affirmative are:

Mr. Mann,

Messrs.

Bixby, J. H.,
Bowen, Chas. F.,
Bridenthal,
Chaplin,
Cleveland,
Coit,
Copeland,
Chandler,
Chapman,
Crowley,
Cate,
Cunningham,
Currie,
Eagle,
Fox,
Fyler,
Gilbreath,
Hazett,
Hawkins, Messrs

Marshall,
McClellan,
Merritt,
Miller,
Northway,
Nzuda,
Preston,
Parrish,
Rawlins,
Reid,
Roberson,
Robinson,
Shapland,
Speare,
Stephenson,
Strong,
Symmes,
Stewart,
Tirrell,

Messrs.
Reynolds,
Bailey,
Bellyeu,
Johnson, Aldyeo
Johnson, J. M.
Joyner,
Kingston,
Kent,
Murphy, J. M.
McLeod,
Voting in the negative;
Mr. Pindall
Those absent or not voting are:-

Messrs.
Berry, C. E.
Beardsley,
Brown, Neal
Beasley,
Corbell,
Daniel,
Garbeck,
Gist,
Gwinn
Hankins, A. M.
Hankins, O. S.
Davis,

Messrs.
Lee,
Lynn,
Latta
Murphy, Wm.
McVeigh,
Mitchell
Page,
Sarber,
Shipley,
Thornburg,
Warwick

So the bill was passed,
By unanimous consent.
Mr. McGehee asked and obtained leave of absence for himself and Messrs Denby, a page of the House, for 8 days.
Under a suspension of the rules,
On motion of Mr. Reid,
The House proceeded to consider the following resolution of the House, viz:-

Whereas, Our election was held in the different districts of this state on the 5th day of November last for congressmen to represent the different districts in the 43 congress of the United States, and

Whereas, It is made by law the duty

of the Secretary of State within thirty days after returns are made or sooner if all the returns have been received, in the presence of the Governor, to cast up and arrange the vote from the several counties or such of them as have made returns for such persons voted for as members of congress and requiring the Governor immediately thereafter to issue his proclamation declaring the persons having the highest number of votes to be duly elected, and

Whereas, Such time elapsed in the month of December last and no such casting up arranging of votes, or proclamation was made that they are advised of, therefor

Be it resolved, That the Judiciary Committee be instructed to inquire and report to this body without delay whether the law in this behalf has been complied with and if not complied with the reason why.

Pending the reading of the resolution

On motion of Mr. Miller,

Ordered, That the further reading be dispensed with, and that the resolution be refered to the Committee on the Judiciary,

Under a suspension of the rules,

On motion of Mr. Miller,

The House proceeded to consider the bill heretofore sent to the clerks desk by Mr. Miller (H. R. 194) entitled "An act to provide for holding the Supreme Court in four places,

Which was read a first time,

By unanimous consent,

Under a suspension of the rules

The bill was read a second time by title,

Mr. J. H. Berry moved that the bill be amended "by striking out the name of Port Smith "and inserting in lieu thereof the name "Fayetteville."

Mr. Kingston moved that the bill be further amended, by striking out the name of "Camden" and inserting in lieu thereof the name of "Philadelphia."

Mr. Cleveland moved that the bill be further amended by striking out the names of "Helena" and "Phillips," and inserting in lieu thereof the names of "Batesville" and "Independence"

Mr. Joslyn moved that the bill be further amended by striking out the name of "Helena" and inserting in lieu thereof the name of "Lake Village," also by striking out the words "sheriff of Phillips county" and inserting in lieu thereof the words "sheriff of Izard county."

Mr. Wheat moved that the bill be further amended by striking out the names of "Fort Smith" and inserting in lieu thereof the name of "Pine Bluff."

On motion of Mr. Millen.

The bill and pending amendments were referred to the Committee on the Judiciary.

And then,

On motion of Mr. Williams.

The House at 12 o'clock and 40 minutes P.M., adjourned.

Approved

Speaker.

Attest

Clerk.

Friday, February 21, 1873

Prayer by the Chaplain

Under a suspension of the rules,

Mr. Kent introduced a bill (H.R. 97) entitled An act to supply casual deficits in the revenues of the State,

Which was read a first time

On motion of Mr. Kent,

The rules were suspended (two-thirds of the members present voting therefor) and

The bill was read a second time by title,

And,

On motion of Mr. Kent

Ordered, That one hundred and fifty copies be printed for the use of the House, and that the bill be made special order in the Committee

of the Whole House for 11 o'clock and 30 minutes P.M., on the morrow,

A message from the Senate by Mr. Orrick their Secretary, viz:-

Senate Chamber Feby. 20, 1873.

Mr. Speaker:- I am instructed by the Senate to inform your honorable body of the passage by the Senate (H. B. No. 86) entitled "An act to prohibit the sale of Ardent Spirits to minors, and herewith transmit the same for your favorable consideration.

Also, of the passage by the Senate (Sub. H. B. 112) entitled "A Bill to be entitled An act for the relief of Amanda Gibbs and herewith return the same.

Under a suspension of the rules,

Mr. Chapline moved that the vote by which the House postponed and made especial order for 11 o'clock A.M. of Saturday, February 22, 1873, the reports of the Committee on Elections in the matter of the Contested election in the Thirteenth representative district

Objection being made,

Mr. Shaver made the point of order, That on a motion for reconsideration the question could not be taken on the same day, unless by unanimous consent.

The Speaker ruled the point of order well taken.

Under a suspension of the rules,

Mr. Walker, from the select committee to whom was referred the bill of the House (H. R. 179) entitled "An act to authorize dissection in certain cases for the advancement of science reported the same and recommended its passage.

On motion of Mr. Walker

Ordered, That the bill just reported be made special order for 11 o'clock A.M., of Wednesday, February 26, 1873.

By unanimous consent

Mr. Walker from the Committee on Agri-

culture to whom was referred the bill of the House (H.R. 150) entitled An act to provide for the appointment of a Commissioner of Agriculture, and to aid in the formation and encouragement of agricultural and mechanical societies, and for the promotion of home industry, and improvement of the State of Arkansas, reported the same and recommended that the bill be amended as follows:-

On section 6, line 3, strike out after the word "such" to and including the word "five." and insert in lieu thereof the words "one hundred and fifty."

Also by inserting after section 6 the following section, viz:

Section 7, Be it further enacted, That it shall be the duty of said commissioner to make a biennial report to the Governor of the State embracing his proceedings while in office and an abstract of the proceedings of the several agricultural societies, as well as a general view of the condition of agriculture throughout the state, accompanied by such recommendations as he may deem interesting and useful,

Also that the two succeeding sections of the bill be numbered 8 and 9 in their order.

The report of the committee was adopted and the amendment accordingly agreed to.

The House proceeded under the order of unfinished business to consider the bills heretofore sent to the Clerk's desk as follows:

By Mr. Jolly (H.R. 182), entitled An act for the relief of Olivet county.

Which was read a first time, under a suspension of the rules,

The bill was read a second time by title and referred to the Committee on the Judiciary.

By Mr. Sumpter (H.R. 183) entitled An act to extend the time for payment of taxes for the year 1872,

Which was read a first time under a suspension of the rules.

The bill was read a second time by title

and referred to the Committee of Ways and Means.

By Mr. Ennis, with accompanying petition, to the same effect (H. R. 184) entitled An act to authorize the legal voters of School district No. 5 in Prairie County, to levy a tax.

Which was read a first time.

Under a suspension of the rules,

The bill was read a second time by title and referred to the Committee on Education.

The hour of 11 o'clock A. M. having arrived,

The House proceeded to consider the special order set for that hour being the consideration of the bill of the House (H. R. 34) entitled An act to provide the mode of holding all general and special elections, regulation of Electors, preserve the purity of the ballot, and to repeal an act entitled "An act to provide for the election of all executive and judicial officers, members of the General Assembly, representative of the State in the Congress of the United States and Presidential election," approved July 23, 1868; also to repeal an "act to provide for a registration of the legal voters in the State of Arkansas," approved July 16, 1868.

Pending the reading of the bill,

Mr. Rust moved that the reading be dispensed with, and that the further consideration of the bill be postponed and made special order for 11 o'clock A. M., of Tuesday, March 4, 1873.

Mr. Pridall asked for the yeas and nays

The question being put,

It was decided in the affirmative,—Yeas 40 nays 28.

The yeas and nays being desired by five members,

Those who voted in the affirmative were:

Messrs.

Berry, C. E
Brown, Neal
Brown, Chas. F.
Chaplin
Corbell
Cleveland
Cort
McLeod,
Marshall,
McGehee,
Merrill,
Miller,
Nunn,
Pace,

Messrs.

Copeland
Fox.
Fruebush.
Hawkins, A. H.
Hawkins, O. S.
Hawkins, Monroe
Hays.
Joslyn.
Johnson, Adam
Johnson, J. M.
Kingston.
Kent.
Lee.

Messrs.

Rawlins.
Robinson.
Shipley.
Shapleigh
Speas
Stephenson
Shepherson.
Strong.
Stewart.
White,
Wheat,
Williams.
The Speaker.

Those who voted in the negative are:-

Messrs.

Berry, J. M.
Brudenthal,
Chandler.
Chapman,
Conley,
Cate!
Cunningham,
Ennis,
Eagle.
Fiser,
Leavitt,
Hynds,
Harley,
Joyner.

Messrs.

Lynn,
Matheny,
Preston,
Pindall,
Parish,
Reid,
Robertson,
Sumpter,
Thorn,
Thomason,
Tillar,
Warwick,
Walker,
Wright.

So the motion was agreed to.

The House proceeded to consider the special order set for 10 o'clock and 30 minutes A. M., being the consideration of the bill of the House (H. R. 181) entitled An act to protect all persons in their civil rights in the state of Arkansas, and to furnish means for their vindication,

Which was read a third time.

On motion of Mr. Sumpter,

Ordered, That there be a call of the House.

The roll being called it appeared that the following named members were absent without leave, viz:-

Messrs. L. H. Davis, G. A. Latta, J. McMurphy, L. B. Mitchell, P. A. Parker, Benton Farmer and W. L. Yarnell.

On motion of Mr. Copeland

Ordered, That the further proceedings in the call of the House be dispensed with.

The House resumed the consideration of the bill of the House (H.R. 181) entitled "An act to protect all persons in their civil rights in the state of Arkansas, and to furnish means for their vindication."

And,

The question being put, Shall the bill pass?

It was decided in the affirmative,—Yeas 40, nays 27, not voting 15.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Brown, Neal
Brown, Chas. A.
Chapline,
Cleveland
Cox,
Copeland,
Davis,
Fox,
Fairbanks,
Hawkins, W. H.
Hawkins, O. S.
Hawkins, Monroe
Harris,
Jordan
Johnson, J. H.
Johnson, Adam,
Kingston
Kelly,
Lee,
McLeod,
Marshall,
Merritt,
Moulton,
Norris,
Page
Rankins,
Robinson,
Shingley,
Sheppard,
Speare,
Stephenson,
Shepherson,
Strong,
Stewart
Yazoo,
White,
Neal,
Williams
The Speaker

Those who voted in the negative are:-

Messrs.

Berry, J. M.,
Brideuthal
Chandler,
Chapman,
Crowley,
Cate,
Cunningham,
Erwin,
Eagle,
Foster,
Gossett,
Hynde,
Harley,
Hayley,

Messrs.

Lynn,
Matheny,
Preston,
Pindall,
Patrick,
Reid,
Robertson,
Sampter,
Thorne,
Thurman,
Tillar,
Walker,
Wright,

Those absent or not voting are:

Messrs.

Beardsley,
Beasley,
Corbell,
Gist,
Gilbreath,
Grisson,
Latta

Messrs.

Murphy, J. M.,
Murphy, Otto,
McGehee
McVeigh,
Mitchell,
Saben,
Tanner,
Thornburg.

Mr. Trotter moved that the vote just taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

The House again resumed the consideration of the bills heretofore sent to the Clerk's desk, as follows:

By Mr. Lee (H.R. 185) entitled An act for the relief of John W. Shaw, W.R. Williams and Son, and Geo. H. Buck of Corning Shade, Shaw county, Arkansas,

Which was read a first time, Under a suspension of the rules, The bill was read a second time by title and referred to the Committee on Claims.

By Mr. Nunn (H.R. 186) entitled

An act to incorporate the Quitman Manufacturing Company, and to authorize Van Buren county to lend her aid in erecting a cotton and wool manufactory.

By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second time by title and referred to the Committee on the Judiciary.

By Mr. Swann (H.R. 187) entitled An act to authorize counties to subscribe stock in manufacturing companies within their limits.

Which was read a first time,
Under a suspension of the rules,
The bill was read a second time by title and referred to the Committee on the Judiciary

By Mr. Dani (H.R. 188) entitled An act to encourage the introduction of thorough-bred live stock into this state,

Which was read a first time,
Under a suspension of the rules,
The bill was read a second time by title and referred to the Committee on Agriculture,

By Mr. Parish (H.R. 189) entitled An act to remove the political disabilities of Thomas Fletcher and James P. Fitts.

By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second time by title and referred to the select committee appointed with instruction to receive all names presented by members, and to incorporate them in a general bill for the removal of political disabilities,

By Mr. Stephenson (H.R. 190) entitled An act to Incorporate the Marshall Masonic Male and Female Academy, in Searcy county Arkansas,

By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second time by title and referred to the Committee on the Judiciary

By Mr. Chaplin (H.R. 191) entitled An act

for the relief of S. L. Holman.

Which was read a first time.

Under a suspension of the rules

The bill was read a second time by title and referred to the Committee on Public Expenditures.

By Mr. Preston (H. R. 192) entitled An act to define the lines between the counties of Prairie and Monroe in the state of Arkansas.

By unanimous consent,

Under a suspension of the rules

The bill was read a first and second time by title and referred to the Committee on Counties and County Lines.

By Mr. White (H. R. 193) entitled An act to incorporate the town of Alma, in Crawford county.

By unanimous consent,

Under a suspension of the rules

The bill was read a first and second time by title and referred to the Committee on the Judiciary.

By Mr. Reid (H. R. 198) entitled An act to require barbers to close their shops on the sabbath day.

By unanimous consent

Under a suspension of the rules,

The bill was read a first and second time by title and referred to the Committee on the Judiciary.

By Mr. Dorsey (H. R. 195) entitled An act to extend the corporate limits of the town of Gainesville in this state.

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title and referred to the Committee on the Judiciary.

By unanimous consent

Mr. Fox, from the Committee on the Judiciary, in accordance with the previous instruction of the House, returned without report, the bill of the House (H. R. 167) entitled An act for the relief of Chas. B. Fitzpatrick.

John H. Hazzard and H. H. Weyant. and for other purposes.

Under a suspension of the rules,

The House passed to the order of business of reports of standing committees, and

Mr. Chapline, from the Committee on Counties and County Lines to whom was referred the bill of the House (H. R. 40) entitled An act to create the county of Baxter, and for other purposes, reported the same and recommended its passage,

On motion of Mr. J. H. Bevis,

Ordered, That the bill just reported be engrossed for a third reading and made special order for 11 o'clock and 30 minutes A. M. of Monday, February 24, 1873.

Mr. Allen, from the same committee to whom was referred the bill of the House (H. R. 39) entitled An act to create the county of Stone, and for other purposes, reported the same and recommended its passage.

On motion of Mr. Foster,

Ordered, That the bill last reported be engrossed for a third reading and be made special order for 10 o'clock and 30 minutes A. M. of Monday, February 24, 1873.

Mr. Reid from the Committee on Public Expenditures, to whom was referred the memorial of James H. Hazzard and other citizens of Mississippi county in regard to levy work done by Jeremiah Dignan, in Mississippi Swamps, in Mississippi county, State of Arkansas, in the year 1858, returned the same and submitted the following report thereon viz;

Your Committee on Public Expenditures beg leave to make the following report;

That we have had under consideration the memorial of Jeremiah Dignan for levy work done by authority of the state of Arkansas, wherein the said Dignan claims that the state is indebted to him for levy work done in the year 1858, thirty-six hundred dollars, Your committee are of opinion from all the evidence, that the work

was done, but not by authority of the state, and therefor know no rule of equity or law that would justify the payment of the same and would therefor recommend its rejection,

The report of the committee was adopted, and the memorial was accordingly rejected,

Also, from the same Committee, to whom was referred the bill of the House (No. R. 134) entitled An act providing for the publication and distribution of the Journals of the General Assembly, reported the same and recommend its passage.

On motion of Mr. Coit,

Ordered, That the bill last reported be engrossed for a third reading and be made special order for 11 o'clock and 30 minutes A.M. of Tuesday, February 25, 1873.

Mr. Shapland from the Committee on Circuit and Justices' Courts, to whom was referred the bill of the House (No. R. 7) entitled An act to give Justices of the peace jurisdiction in cases of damages where the amount in controversy is one hundred dollars and less, reported the same and recommended that the bill be referred to the Committee on the Judiciary.

The report of the committee was adopted, and the bill was accordingly referred to the Committee on the Judiciary.

Also from the same Committee to whom was referred the bill of the House (No. R. 93) entitled An act to amend an act entitled an act to amend sections 3 and 5 of an act to divide the State into ten judicial circuits and fixing the time of holding circuit courts, approved February 4, 1869 which said act was approved March 27, 1871, reported the same and recommended its passage.

Also, from the same committee to whom was referred the bill of the House, (No. R. 96) entitled An act to provide for the payment of jurors and witnesses in Justices' courts, reported the same and recommended its passage.

Also, from the same committee to whom was referred the bill of the House (No. R. 62) entitled

An act regulating the pay of prosecuting attorneys pro tem., and special judges of the circuit court, reported the same and recommended its passage,

By unanimous consent,

On motion of Mr. Lillar,

Leave of absence was granted Hon. O. F. Parrish for 10 days dating from Tuesday, February 26, 1873.

By unanimous consent,

On motion of Mr. Wheat,

The leave of absence heretofore granted Hon William Murphy was extended until Monday February 24, 1873.

Mr. Woods, from the Committee on Enrolled Bills, reported, correctly enrolled, the substitute for the bill of the House (Sub. H. R. 112) entitled An act for the relief of Emanuel Gibbs;

Also, the substitute for the bills of the House (H. R. 12, 23, 32) entitled, An act to confirm and make valid certain acts done and performed under certain supposed acts of the Legislature, called chapters of the digest.

Also, the bill of the House (H. R. 86) entitled An act to provide for the levying and collecting taxes, in the towns of Lonoke and Des. Arc in the county of Prairie

A message from the Senate by Mr. Orrick, their Secretary, viz:-

Senate Chamber Feby 21, 1873

Mr. Speaker; I am instructed by the Senate to inform your honorable body of the passage by the Senate of (H. B. No. 181) an act to protect all persons in their civil rights in the state of Arkansas, and to furnish means for their vindication, and herewith return the same.

Under a suspension of the rules,

Mr. Trunbach submitted the following preamble and motion, which were read viz:-

Whereas, There has come to the knowledge

of members of this body that troubles have broken out afresh in the county of Pope, in this state and that sheriff Dodson and deputy sheriff Merriott have been murdered in cold blood by assassins and that life and property are notoriously insecure in that county, therefore

Resolved, That a committee of five be appointed to investigate the condition of the county of Pope, and to inquire into the expediency of recommending to the Governor that that county be placed under martial law and a body of militia ordered there, and that said committee be empowered to send for persons and papers.

Mr. J. H. Berry moved as a substitute that the committee on militia enquire into the alleged killing of parties in Pope county and also to report to this House whether or not the civil law can be enforced in said county of Pope and for this purpose shall have power to send for persons and papers,

After debate,

On motion of Mr. Copeland,

The House at 1 o'clock and 30 minutes P. M. adjourned until 10 o'clock A. M., of Monday, February, 24, 1873,

Approved

Speaker,

Attest

Clerk,

Monday, February 24, 1873.

Prayer by the Chaplain.

On motion of Mr. Eagle,

Leave of absence was granted Mr. McMinn for 3 days,

On motion of Mr. Foster

Leave of absence was granted Mr. J. F. Cunningham, for 7 days,

On motion of Mr. Kinyeton

Leave of absence was granted Mr. R. F. Page for 7 days,

The Journal of Friday, February 21, 1873,

was read and approved.

A message from the Senate by Mr. Orrick their Secretary, viz;-

Senate Chamber Feby 21, 1873

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate of (H. Mem. No. 6 Entitled a memorial to the Congress of the United States asking for the passage of an amendment to an act providing for the sale of the military reservation at Fort Smith, and herewith return the same.

I am also instructed by the Senate to inform your honorable body of the passage by the Senate of (S. B. No 90) entitled An act to be entitled an act for the relief of the State Guards and for other purposes, and herewith transmit the same for your favorable consideration.

Under a suspension of the rules,

The House proceeded to consider the memorial of the House heretofore sent to the Clerks desk by Mr. Cunningham, (H. Mem. 7) a memorial to Congress on the question of a constitutional amendment in regard to the election of United States Senators.

Pending the reading of the memorial

The hour of 10 o'clock and 30 minutes A. M. having arrived.

The House proceeded to consider the special order set for that hour being the consideration of the bill of the House (H. R. 39) entitled An act to create the county of Stone and for other purposes.

Which was read a third time.

And,

On motion of Mr. Kent

Ordered That the further consideration of the bill be postponed until Tuesday March 25, 1873

The House resumed, under the order of unfinished business the consideration of bills heretofore sent to the Clerks desk, as follows:-

By Mr. Parish (H. R. 199) entitled

An act to secure a complete historical, biographical, and statistical work upon the state of Arkansas.

Which was read a first time,

And,

On motion of Mr. Rhoades

Ordered, That the further consideration of the bill be postponed until Tuesday March 25, 1873.

By unanimous consent,

On motion of Mr. Fox,

Leave of absence was granted Mr. Chas. F. Brown for 3 days.

By unanimous consent,

On motion of Mr. Davis,

The leave of absence heretofore granted Mr. William Murphy was extended for 3 days.

Mr. Watt from the Committee on Engrossed Bills reported correctly engrossed the bill of the House (H. R. 168) entitled An act to cure defective conveyances.

Under a suspension of the rules,

The House proceeded to consider the bill of the House (H. R. 168) entitled An act to cure defective conveyances,

Which was read a third time,

And,

By unanimous consent,

Ordered, That the bill be placed upon its passage,

The question being put, Shall the bill pass?

It was decided in the affirmative,—yeas 55, nays 4, not voting 26,

Those who voted in the affirmative are:—

Messrs.

Berry, J. M.,
Bigelow,
Chaplin,
Cobb,
Cleveland,
Cook,
Copeland,
Crandell,
Chapman,
Crawley,

Messrs.

Latta,
Murphy, J. M.,
McLord,
Merritt,
Mulkey,
Mahoney,
Riddell,
Rapley,
Rambin,
Reed,

Messrs.
Cate,
Eagle,
Fox,
Fairbrother,
Foster,
Fort,
Gilbreath,
Gossett,
Grissom,
Hawkins, A. H.
Hawkins, Marion
Harris,
Hanley,
Johnson, Adam
Joyner,
Kingston,
Kidd
Lee,

Voting in the negative:
Mr. Shepard,

Those absent or not voting are:-

Messrs.
Berry, G. E.
Beardsley,
Bynum, Neal
Bynum, Chas. F.
Beasley
Cunningham,
Davis
Ervin
Hawkins, O. S.
Hyndo,
Jerkins,
Johnson, J. H.
Mannick,

Messrs.
Robertson,
Robinson,
Shipley,
Speed,
Stephenson,
Shepherson,
Strong,
Swindell,
Stewart,
Thomas,
Thomason,
Tilley,
White,
Wheat,
Walker,
Wright,
The Speaker.

Messrs.
Lynn,
Murphy, Wm.
Marshall,
McKenzie,
McHugh,
Mitchell,
Nunn,
Page,
Pleton,
Barber,
Frazer,
Bynum Jno.
Williamson.

So the bill was passed.

Mr. Fox moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

The House again resumed the consider-

tion of the bills heretofore sent to the clerk desk, as follows:-

By Mr. Joslyn (H.R. 200) entitled An act to amend section 38 of an act entitled An act regulating the assessment and collection of the revenue of the state of Arkansas

Which was read a first time.

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title and referred to the Committee of Ways and Means.

A message from his Excellency the Governor by Mr. McCauley, his private secretary, who, by unanimous consent, read the same as follows, viz:-

Executive Department, Arkansas.
Little Rock February 24th 1873.

To the House of Representatives of Arkansas.

Gentlemen; I have signed and approved House Bill entitled An act for the relief of Amanda Gibbs also House Bill entitled An act to provide for levying and collecting taxes in the towns of Lonoke and Des Arc, in the county of Prairie, all of which are herewith returned,

Elisha Baxter,
Governor of Arkansas.

Under a suspension of the rules.

Mr. Fox moved that the Clerk be instructed to procure forthwith the necessary copies of the report of the Treasurer of state for the use of the House.

Mr. Marshall moved that the further consideration of the motion be postponed until Friday, February 28, 1873.

Which was not agreed to.

The question then being on the motion that the Clerk be instructed to procure forthwith the necessary copies of the report of the Treasurer of State for the use of the House.

It was agreed to.

Under a suspension of the rules

The House proceeded to consider the special order set for 11 o'clock A.M. of Saturday, February 22, 1873 being the consideration of the reports of the Committee on Election in the contested election in the Thirteenth representa-

tric district,

Mr. Shannon moved that the further consideration of the matter be postponed until Tuesday, March 25, 1873, with leave to contestee to take depositions and affidavits.

On motion of Mr. J. H. Johnson

Ordered, That the motion to postpone lie on the table.

Mr. Fox moved that the reports of the committee be adopted.

Mr. Shannon moved that the matter be recommitted to the Committee on Elections, with instruction to receive further testimony from the contestee.

After debate.

The latter motion was agreed to.

On motion of Mr. Kent,

The rules were suspended (two-thirds of the members present voting therefor), and

The House proceeded to consider the memorial of the Senate (S. Mem. 25) a memorial to the Congress of the United States praying for the removal of the Red River raft.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The memorial was read a second time by title.

Mr. Kent moved that the rules be suspended and the memorial be read a third time and placed upon its passage.

Which was agreed to (two-thirds of the members present voting therefor)

Before the memorial was read,

Mr. Marshall moved that the memorial be referred to the Committee on Memorials.

Which was not agreed to.

The memorial was then read a third time and placed upon its passage.

The question being put, Shall the Memorial pass?

It was decided in the affirmative,—yeas

52, nays 2, not voting 28.

Those who voted in the affirmative are:-

Messrs.

Berry, J. M.
Bidenthal.
Chaplin,
Cleveland
Coit,
Copeland,
Chandler,
Chapman
Crowley,
Cate.
Ervin,
Eagle,
F. H.,
Fairbanks,
Foster,
Gilbreath,
Garrett,
Grimes,
Hankins, R. M.
Hankins, Moses
Harris,
Harley,
Jerlyn,
Johnson, Adam,
Johnson, J. M.
Joyner.

Those who voted in the negative are:-

Messrs.

Kingston,
Kent,
Latta,
Murphy, J. M.
McLeod,
Merritt,
Mullen,
Matheny,
Pridell,
Reid,
Robinson,
Shipley,
Shepherd,
Spears,
Stephenson,
Strong,
Sculpter,
Stewart
Thomason
Tillar,
Warnick
White,
Wheat,
Walker,
Wright,
The Speaker.

Mr. Stent Brown

Mr. Marshall

Those absent or not voting are.

Messrs.

Bass, C. C.
Beardsley,
Brown, Chas. H.
Beasley,
Corbell,
Cunningham,
Davis,
Egot,
Hamtons O. S.

Mitchell
Nixon,
Page,
Preston,
Parrish,
Rivers,
Robertson,
Sarber,
Shepperson,

Messrs. Mc Lychee, Reynolds, Lee, Lynn, Murphy, Mc Leod, Mc Neigh, Turner, Thurman, Thornburg, Williams,

So the memorial was passed.

Under a suspension of the rules,

Mr. Copeland gave notice of the introduction of a bill to be entitled An act to provide for the payment of fees due Registers and Receivers of United States Land Offices for locating, posting, listing and certifying to the state lands granted under the several acts of Congress.

Mr. McLeod from the Committee on Enrolled bills reported correctly enrolled the bill of the House (H. R. 181) entitled An act to protect all persons in their civil rights in the State of Arkansas and to furnish means for their vindication,

Under a suspension of the rules,

Mr. Kinsey introduced a joint resolution (H. Jt. Res. 12) a joint resolution creating a joint committee of three senators and six representatives on militia claims,

Which was read a first time,

Ordered, That the joint resolution lie on the table subject to the call of the House,

Under a suspension of the rules,

Mr. Orr gave notice of the introduction of a bill to be entitled an act for the relief of Cyrus L. Smith of Union county, Arkansas.

Mr. Robins at 10 o'clock and 45 minutes P. M. moved that the House adjourn,

Which was not agreed to,

By unanimous consent,

Mr. Dani introduced a bill together with a petition to the same effect (H. R. 204) entitled An act for the relief of all persons who were suffers by the fire at Fort Smith Arkansas, on the 14 of November 1872,

On motion of Mr. Rust,

The rules were, by unanimous consent, suspended, and

The bill was read a first and second time by title and referred to the Committee of Ways and Means.

And then,

On motion of Mr. Sunbeck.

The House, at 1 o'clock and 48 minutes P.M. adjourned.

Approved

Speaker.

Attest

Clerk.

Tuesday, February 25, 1873.

Prayer by the Chaplain.

The House resumed under the order of unfinished business the consideration of bills heretofore sent to the Clerk's desk, as follows:—

By Mr. Joyner (H.R. 201) entitled An act to change the boundary line between the county of Bennett and the county of Craighead and Cross, together with several petitions to the like effect;

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title and referred to the Committee on Counties and County Lines.

By Mr. Eagle (H.R. 202) entitled An act to establish the county of Lonoke, and for other purposes, together with several petitions to the like effect,

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title and referred to the Committee on Counties and County Lines,

Under a suspension of the rules,

Mr. Mullen introduced a bill (H.R. 205) entitled An act to authorize the town council of the town of Camden to subscribe to the capital stock of certain railroads

Which was read a first time,
By unanimous consent,
Under a suspension of the rules.
The bill was read a second time by title.
Mr. Pindall moved that the rules be further suspended and the bill be read a third time and placed upon its passage.
Mr. J. M. Murphy moved that the bill be referred to the Committee on Railroads.
Pending the consideration of the motion,
A message from the Senate by Mr. Orrick their Secretary, viz:-
Senate Chamber Feby 24, 1873.
Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate (S.B. No. 87) entitled "A bill to provide for the correction of a clerical error in an act entitled "an act to fix the compensation of Probate and County Judges of the several counties in the state of Nebraska, as approved March 27, 1871, and herewith transmit the same for your favorable consideration.
I am also instructed by the Senate to inform your honorable body of the passage by the Senate of (Senate Bill No. 86) entitled "An act to change and to reestablish the boundary lines of Grant county; and herewith transmit the same for your favorable consideration.
The House resumed consideration of the motion that the bill be referred to the Committee on Railroads.
Which was not agreed to.
Mr. Kingston moved that the bill lie on the table and be made special order for 11 o'clock A.M. on the morrow.
Which was not agreed to.
The question then recurring on the motion that the rules be suspended and the bill be read a third time and placed upon its passage.
It was agreed to (two thirds of the members present voting therefor)

Ayd.

The bill was accordingly read a third time and placed upon its passage.

The question being, Shall the bill pass?

It was decided in the affirmative, — yeas 53, nays 5, not voting 24.

Those who voted in the affirmative are:-

Messrs.

Berry, B. E.
Berry, J. H.
Baldwin,
Chaplin,
Cobell,
Cleveland,
Cox,
Copeland,
Chandler,
Chapman,
Crowley,
Cate,
Eagle,
Fox,
Foster,
Gilbreath,
Garrett,
Grissom,
Hountain, Moses
Hays,
Harley,
Jefferson, J. H.
Jaynes,
Kingston,
Kent,
Lynn,
McLeod

Those who voted in the negative are:-

Messrs.

Merritt,
Miller,
Matheny,
Mitchell,
Preston,
Pindall,
Rawlins
Reid,
Robertson,
Sayers,
Speaks,
Stephenson,
Shepherson
Strong,
Sympkins,
Stewart,
Thomas,
Thurman,
Tillar,
Thornburg,
Wagnon,
Wheat,
Walker,
White,
Wright
The Speaker.

Those who voted in the negative are:-

Messrs.

Robinson,
Shigley,

Those absent or not voting are;-

Messrs.

Beardsley,
Brown, Chas. F.
Beasley,
Cunningham,
Dare,
Ennis,
Fairbush,
Gist,
Hankins, A. M.
Hankins, O. S.
Hyande,
Lee,
Latta,
Murphy, J. M.
Murphy, Wm.
Marshall,
McIlrhee,
McVeigh,
Nguun,
Page,
Parish,
Shapland,
Turner,
Williams

So the bill was passed,

Under a suspension of the rules,

Mr. Chaplin from the select committee appointed to investigate and report on the accounts of all state officers submitted the following report and accompanying joint resolution, which were read, viz:—

Mr. Speaker— Your special committee created for the purpose of investigating the acts and accounts of state officials, beg leave to report that they have had under consideration and investigation the acts and doings of C. M. Bryant, L. B. Hardee, and M. M. Craig, certain commissioners appointed by acting Governor O. A. Hadley, to appraise and value certain real estate bank lands, situated in the county of Crittenden, state of Arkansas, and the sale of the same by the commissioners of immigration, and state lands, to one E. R. Knight.

Your committee find in one single transaction of the sale and disposal of large and valuable tracts of lands, amounting to three thousand two hundred and seventy six acres, a large part of it the most valuable quality of land, situated in said county, the valuation of which land purports to be $5796. made and sworn to before J. H. Price, Justice of the peace on or about the 10th day of August last, and reported to the office of the commissioner of immi-

gration and state lands, on or about the 12th day of November, 1872, by said commissioner, or appointed.

Your committee further find that by some mistake or perdition not known to the law one E. R. Knight filed his bid for said land, together with the report of commissioners, on or about the 12th day of November last, offering the amount of the price of the valuation of said land, as made and reported by said commissioners for said land, situated as aforesaid and said bid, as made by said Knight, was accepted by the commissioner of immigration and state lands.

Your committee further find that the bid of said Knight for said land was $5-796.00 made for said land, and that amount, so paid to said commissioner of immigration, was the fictitious and unconsiderable sum as above mentioned, and the deeds for most of said land were made signed and delivered to said E. R. Knight by said commissioner.

Your committee further said that said Knight promised the said Bryant three thousand dollars to make said report, and to let him know when he made and filed the same in said office of said valuation of said land, and paid said Bryant one hundred dollars in cash, and agreed to pay the balance if every thing was right.

Your committee further find that two of said commissioners, L. B. Harden and H. H. Wing, never agreed to said report and the valluation of said land so made, and in fact never signed said report, and did not then and do not now, concur or agree to said valuation of said land as made in said report.

Your committee further find that said land is worth, at low estimate, the sum of ten dollars per acre, which would be low estimate for said land, to-wit; the sum of $32,760.

Your committee further find that said report was procured by money and bribes, and the same is void and not binding on the part of the state, and that

the names of said Wing and said Warden, agreeing to said report, is false and a forgery and that said two last commissioners not agreeing to said report, or consenting to the same; vitiate and makes void the same, and is not binding on the part of the state.

Your committee further find that said Knight was a party to the bribery and procuring the said false and fraudulent report of said Bryant, for the sole and selfish purpose of swindling the state out of said lands, as they necessarily believe from the testimony hereto attached and here by made a part of this report.

Your committee herewith files a list of the lands and the prices as so reported by said commissioners, and the testimony sustaining the report, for your personal consideration, and beg leave to recommend the following joint resolution (H. J. R. Res. 13)

Be it resolved by the general assembly of the state of Arkansas, That the sale of said land so made to said E. R. Knight, be set aside and declared void, and that the governor be requested to appoint another commissioner instead of C. H. Bryant, and that another appraisement of said land be made, and a sale of said land be in accordance with the law, and that the grand jury be especially instructed to investigate the conduct of said Bryant and said E. R. Knight.

J. B. Chapline,
Chairman
W. L. Copeland,
John J. Crumpler,
Chas. E. Berry,
Committee

The report of the committee was adopted, and
The joint resolution as recommended by
the committee being read a first and second
time,

Mr. Warwick submitted a joint resolution

as a substitute, entitled a joint resolution instructing the attorney general to file a bill in equity to set aside the sale of all real estate bank lands sold to E. R. Knight in Bottineau county, and moved that the substitute be adopted in lieu of the original joint resolution.

Mr. J. H. Berry moved that the original and substitute joint resolution be referred to the Committee on the Judiciary.

After discussion.

On motion of Mr. Saben,

The substitute was adopted in lieu of the original joint resolution and the substitute ordered engrossed and made special order for 11 o'clock A.M. on the morrow.

On motion of Mr. J. H. Berry

The House proceeded to consider the special order set for 11 o'clock and 30 minutes A.M. of Monday, February 24, 1873, being the consideration of the bill of the House (H. R. 40) entitled An act to create the county of Baxter and for other purposes.

Which was read a third time.

By unanimous consent,

Ordered, That the bill be placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative, — yeas 35, nays none, not voting 27.

Those who voted in the affirmative are:—

Messrs.

Berry, J. H.
Brown, Neal
Brudenthal,
Chapline,
Eagle,
Cleveland,
Cox,
Copeland,
Chandler,
Chapman
Crowley,
Cate,

Messrs.

Marshall,
Merritt,
Milloy,
Matheny,
Mitchell,
Pretzer,
Pendall,
Rankin,
Reid,
Ryberg,
Robinson,
Saben,

Messrs. Buchanan, Fowler, Gilbreath, Gossett, Gyrene, Hankins, Harris, Hobbs, Johnson, Adgate, Johnson, J. McD. Joyner, Kent, Lee, Lynch, Murphy, J. McD. McLeod

Messrs. Sharpe, Speas, Stephenson, Shepherd, Strong, Swindell, Stewart, Thompson, Tillett, Thornburg, White, Wheat, Walker, Wright, The Speaker,

Those voting in the negative.

Those absent or not voting are:-

Messrs. Berry, C. E., Bradsher, Brown, Chas. H., Beasley, Cobb, Cunningham, Davis, Evans, Ezzell, Hyatt, Hankins, A. McD., Hankins, O. S., Harris, Hynds,

Messrs. Kingston, Lotta, Murphy, Mac., McClees, McVeigh, Nance, Page, Parish, Shipley, Smith, Spence, Warwick, Williams,

So the bill was passed.

Mr. Barber moved that the vote last taken be reconsidered and also moved that the motion to reconsider be laid on the table, which latter motion was agreed to.

On motion of Mr. Cobb, the rules having been suspended for that purpose

the House passed to the consideration

of the bill of the Senate (S. 591 entitled An act prohibiting the appointment of a stenographer by any judge or court which,

Under a suspension of the rules,
Was read a first and second time by title,
On motion of Mr. Kent,
The rules were further suspended (two-thirds of the members present voting there for), and
The bill was read a third time, and placed upon its passage,
After debate,
The question being put, Shall the bill pass?
It was decided in the affirmative, — yeas 66, nays 5, not voting 22.

Those who voted in the affirmative are:-

Messrs.

Bacon, J. H.,
Bidenthal,
Chapleau,
Cleveland,
Coit,
Copeland,
Crandell,
Chapman,
Crowley,
Cate,
Dane,
Eagle,
F. C.,
Fairbank,
Fiske,
Gilbreath,
Govette,
Guinan,
Hankins, A. H.,
Hankins, Thomas,
Harris,
Healey,
Joslyn,
Judge,
Magoon,
Kent,
McLeod,
Merritt,
Millen,
Mahony,
Mitchell,
Preston,
Pindall,
Rankins,
Reid,
Robertson,
Shapleigh,
Speare,
Stephenson,
Shepperson,
Strong,
Sculpture,
Stewart,
Symes,
Thomson,
Tilton,
Trumbull,
Warwick,
White,
Wheat,
Walker,
Wright

Messrs. Lyons, Murphy, J. H. and Hurel who voted in the negative are:-

Messrs. Brown, Neal Johnson, Adam Johnson, J. W. Mr. Speaker, Messrs. Mansfield Robinson,

Those absent or not voting are:-

Messrs. Berry, C. E. Beardsley, Brown, Chas. F. Bearsley, Corbett, Cunningham Ennis, Gill, Hankins, O. S. Reynolds, Stanger Messrs. Lee, Latta, Murphy, Wm. Mcsherry, McVeigh, Munn, Page, Parrish, Sanborn, Shrigley, Williams

So the bill was passed.

On motion of Hon. Mullen, the rules having been suspended for that purpose, the House passed to the consideration of the substitute for the bills of the Senate (Sub. S. 44, 54) entitled An act for the assignment and enforcement of liens of vendors and landlords.

Which was read a first time.

By unanimous consent,

Under a suspension of the rules.

The bill was read a second time by title,

Hon. Mullen moved that the rules be further suspended and that the bill be read a third time and placed upon its passage,

Hon. Kingston moved that the bill be amended by inserting in section 2, after the words "goods, wares and merchandise" the words "not excepted by the constitution"

Hon. Ingersoll moved that the further consideration of the bill be indefinitely postponed,

Hon. Neal Brown, at 9 o'clock and 12

minutes P. M., moved that the House adjourn,

Which was not agreed to.

The question then being on the motion that the further consideration of the bill be indefinitely postponed,

Hon. Neal Brown made the point of order, that a motion to indefinitely postpone was not debatable,

The Speaker (Hon. Kingston in the chair) ruled the point of order not well taken,

A message from the Senate by Mr. Orrick, their Secretary, viz:—

Senate Chamber, July 25, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage of (Senate Bill No 32) entitled A bill, to be entitled an act amendatory of an act entitled an act regulating roads and highways, and herewith transmit the same for your favorable consideration.

I am also instructed by the Senate to inform your honorable body of the passage by the Senate, of (H. B. No. 67) entitled An act to amend an act to establish and organize the county of Barber and for other purposes; and herewith return the same,

The question being on the motion that the further consideration of the bill be indefinitely postponed,

After discussion,

Hon. Millen renewed the point of order, that a motion to indefinitely postpone was not debatable,

The Speaker (Hon. Kingston in the chair) ruled the point of order not well taken

Mr. Millen appealed from the decision of the chair,

The question being put, Shall the decision of the chair be sustained?

It was decided in the affirmative,

So the decision of the chair was sustained.

The question being on the motion that the further consideration of the bill be indefinitely postponed,

Mr. Robinson moved the previous que-

tion, which was seconded, and the main question ordered, viz:

Shall the further consideration of the bill be indefinitely postponed?

Hon. Mr Allen asked for the yeas and nays.

The question being put

It was decided in the negative,— year 27, nays 28.

The yeas and nays being desired by five members

Those who voted in the affirmative are:-

Messrs.

Berry, J. H.
Burns, Neal
Copeland,
Chandler,
Davis,
Fox,
Fairbanks,
Grissom
Harris,
Jordan,
Johnson, Adam
Johnson J. H.
Logan,
Morgan
Murphy, J. H.
Moorhead,
Marshall,
Pindall,
Rankins,
Stephenson,
Shepperson,
Strong,
Stewart,
Swinnick,
White,
Wheat,
The Speaker,

Those who voted in the negative are:-

Messrs.

Berry, C. E.,
Bridgewater,
Chapline,
Copland,
Cook,
Chapman
Cromley,
Cate,
Eagle,
Eldridge,
Ingrell,
Hagley,
Kent
Merritt,
Miller,
Matheny,
Mitchell,
Pegram,
Reid,
Robertson,
Sayre,
Thyson,
Thomason,
Tillan,
Thornburg,
Walker

Messrs. Lynch, Wright.

So the House refused to say definitely postpone the further consideration of the bill

Mr. Copeland moved that the further consideration of the bill be postponed and made special order for Tuesday, March 25, 1873.

Mr. Miller asked for the yeas and nays.

The question being put,

It was decided in the negative, — yeas 26, nays 31.

The yeas and nays being demanded by five members,

Those who voted in the affirmative are:

Messrs.

Berry, J. M.
Brown, Neal
Copeland,
Davis,
Fox,
Hanbach
Higgins,
Harris,
Irvin,
Johnson, Adam
Johnson, J. H.
Livingston,
Magrath, J. M.

Messrs.

McLeod,
Marshall,
Mazyck,
Pinckney,
Rainsford
Robinson,
Shrewsbury,
Stephens,
Shepherd,
Stewart,
Warwick,
White,
Wheat,

Those who voted in the negative are:-

Messrs.

Berry, B. O.,
Breedenthal,
Craig,
Cleveland,
Cox,
Crandler,
Chapman,
Crowley,
Cain,
Cagle,
Galbraith
Hazzett

Messrs.

Miller,
McAlhany,
Mitchell,
Preston,
Reid,
Robertson,
Young,
Sludikes,
Thomas,
Thurman
Tillman,
Thomas Lucy,

Messrs. Hawkins, Harley, Kent, Lynn, Morris, Morrow, Walker, Wright, The Speaker.

So the motion was not agreed to

Then,

On motion of Mr. Chaplin,

The further consideration of the bill was postponed and made special order for 11 o'clock A. M., on the morrow,

And then,

On motion of Mr. Kingston,

The House at 1 o'clock and 44 minutes P. M., adjourned.

Approved

Speaker

Attest

Clerk.

Wednesday, February 26, 1873.

The roll being called it appeared that the following named members were present and answered to their names:—

Messrs. C. E. Berry, L. H. Berry, Neal Brown, Chas. F. Bunn, Breidenthal, Chaplin, Cottell, Cleveland, Crist, Copeland, Chandler, Chapman, Comley, Cate, Eagle, Fox, Fairbank, Foster, Gist, Gilbreath, Garett, Greene, A. M. Hawkins, Monroe Hawkins, Harris, Harley, Jaslyn, Adgate Johnson, L. H. Johnson, Joyner, Kingston, Kent, Lee, Lynn, Mix, Murphy, McLeod, Moorehead, Merritt, Miller, Matheny, Mitchell, Greer, Oglesby, Raptiss, Reid, Robertson, Robinson, Shepard, Speare, Stephenson, Shepherson, Strong, Scupter, Turner, Thomas, Thompson, Thurlow, Warnick, Hunt, Williams, Wright, The Speaker,

Prayer by the Chaplain.

The journal of Tuesday, was read and approved,

The Speaker directed the Journal Clerk to spread on the journal the list of the names here

present and answering to their names at roll calls.

Mr. McLeod, from the Committee on Enrolled Bills, reported correctly enrolled the memorial of the House (No. House, 5) a memorial to the Congress of the United States asking for the passage of an amendment to an act providing for the sale of the military reservation at Fort Smith.

Also the bill of the House (H. R. 67) entitled An act to amend an act to establish and organize the county of Garber and for other purposes.

Mr. Eagle, by unanimous consent, presented a petition from J. H. Morgan and other citizens of Prairie county remonstrating against the formation of the County of Lonoke,

Which,

On motion of Mr. J. H. Berry,

Was referred to the Committee on Counties and County Lines.

Mr. Copeland, by unanimous consent, introduced a bill (No. R. 216) entitled An act to provide for the payment of fees due registers and receivers of United States Land Offices for locating, proving, listing and certifying to the state, lands granted thereto under the several acts of Congress,

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title and

On motion of Mr. Nutt,

Was referred to the Committee on State Lands.

Mr. Nutt, by unanimous consent, introduced a bill (H. R. 207) entitled An act for the relief of Wayne L. Smith of Union county Arkansas,

By unanimous consent,

The bill was read a first and second time by title and referred to the Committee on the Judiciary.

Mr. Mitchell, by unanimous consent, introduced a bill (H. R. 208) entitled An act to relieve

N. W. Jackson from the payment of certain taxes.
Which was read a first time,
By unanimous consent,
Under a suspension of the rules,
The bill was read a second time by title and referred to the Committee of Ways and Means.

Hon. Mitchell, also, by unanimous consent, introduced a bill (H. R. 269) entitled An act to prohibit the sale of intoxicating liquors within a certain distance of Bethel Church,
Which was read a first time,
By unanimous consent,
Under a suspension of the rules,
The bill was read a second time by title and referred to the Committee on the Judiciary,

Hon. Purdum, by unanimous consent, introduced a joint resolution (H. J. Res. 14) a joint resolution providing for the adjournment of the General Assembly sine die, March 20, 1873,
Which was read a first time,
By unanimous consent,
Under a suspension of the rules,
The joint resolution was read a second time,
Hon. Purdum moved that the rules be further suspended and that the joint resolution be read a third time and placed upon its passage,
Which was not agreed to (two-thirds of the members present not voting therefor)

Hon. Kent moved that the joint resolution be laid on the table subject to the call of the House
Which was not agreed to.
On motion of Hon. J. H. Berry,
Ordered, That the joint resolution lie on the table and be made special order for 11 o'clock A. M. on the morrow,

Hon. Ormell, by unanimous consent, introduced a bill (H. R. 12.10) entitled An act to amend an act entitled an act to provide for clerks of circuit courts in certain counties and to define their duties approved March 16, 1871,
By unanimous consent,
The bill was read a first and second time

by title and refered to the Committee on Circuit and Justices' Courts.

The House resumed the consideration of the unfinished business of the preceding day, being the consideration of the substitute for the bills of the Senate (Sub'd. 44, 54) entitled An act for the assignment and enforcement of liens of vendors and landlords.

Which,

On motion of Mr. Mullen,

Was referred to the Committee on the Judiciary.

The House again resumed the consideration of bills heretofore sent to the Clerk's desk, as follows:-

By Mr. Eagle (H. R. 203) entitled An act to repeal a bill entitled an act for the encouragement of domestic industry, approved March 28, 1871,

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title,

On motion of Mr. Warwick,

The bill was amended by striking out in section 1 and also in the title of the bill the words "a bill entitled"

And,

On motion of Mr. Warwick,

Ordered, That the bill be engrossed for a third reading and be made special order for 11 o'clock, M., of Monday, March 3, 1873.

A Message from the Senate by Mr. Orrick, their Secretary, viz:-

Senate Chamber Feby 25, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate (S. B. No. 841 entitled An act to abolish the criminal court of Jefferson county, and herewith transmit the same for your favorable consideration,

Mr. J. M. Murphy, by unanimous consent, introduced a bill (H. R. 241) entitled An act for the more efficient administration of the criminal laws of this state, the apprehension and arrest of criminals, and the establishment of a Metro-

politan police district of the state of Arkansas; and for the government of the same,

By unanimous consent,

The bill was read a first and second time by title, and

On motion of Mr. Turner

Ordered, That one hundred and fifty copies be printed for the use of the House, and that the bill be referred to the Committee on the Judiciary.

On motion of Mr. Thrasher, the rules having been suspended for the purpose, the House proceeded to the consideration of the bill of the House (H. R. 114) entitled An act to remove the political disabilities of citizens of Arkansas.

Pending the reading of the bill

The hour set for the consideration of the bill of the House (H. R. 179) entitled An act to authorize direction in certain cases for the advancement of science, having arrived,

On motion of Mr. Thrasher,

The consideration of the special order was postponed until 11 o'clock and 30 minutes A.M.

A message from his Excellency the Governor by Mr. McCauley, his private secretary, who, by unanimous consent, read the same as follows:-

Executive Department, Arkansas,
Little Rock, February 26, 1873.

To the House of Representatives of Arkansas:-

Gentlemen: I have signed and approved House Bill entitled "An act to protect all persons in their civil rights in the state of Arkansas and to furnish means for their vindication" also House Bill to be entitled "An act to confirm and make valid certain acts done and performed under certain supposed acts of the Legislature called Chapters of the Digest," all of which are herewith returned.

Elisha Baxter,
Governor of Arkansas,

The House resumed consideration of the bill of the House (H. R. 114) entitled An act to remove the political disabilities of citizens of Arkansas.

Which was read a second time,
The bill having been amended,
On motion of Mr. J. H. Berry,
Ordered, That the bill be engrossed for a third reading and be made special order for 11 o'clock A. M. of Friday, February 28, 1873.

The hour of 11 o'clock and 30 minutes A. M. having arrived,

The House proceeded to consider the special order postponed to that hour, being the consideration of the bill of the House (No. R. 179) entitled an act to authorize dissection in certain cases for the advancement of science,

Which was read a third time,
And,
By unanimous consent,
Ordered, That the bill be placed upon its passage,
The question being put, Shall the bill pass?
It was decided in the affirmative,— yeas 47; nays 11, not voting 24;

Those who voted in the affirmative are;

Messrs.

Berry, J. H.
Bradley,
Brown, Neal
Bridenthal
Chaplin,
Corbell,
Cox,
Copeland,
Chandler,
Crowley,
Dane,
Eagle,
Fox,
Fairbrook,
Foster,
Gilbreath,
Gossett,
Grimm,
Hawkins, Monroe
Harley,
Latta
Marshall,
Millen,
Mahaney,
Mitchell,
Preston,
Rankin,
Reid,
Robertson,
Robinson
Stephenson,
Shepperson,
Strong,
Sandifer,
Stewart,
Thurman,
Tillar,
Thornburg,
Yancick,
White,

Messrs.

Jordan,
Johnson, J. M.
Joyce,
Kent,

Messrs.

Wheat,
Walker,
Wright,

Those who voted in the negative are:—

Messrs.

Bacon, Chas. F.
Cleveland,
Hays,
Johnson, Adam
Murphy, Wm.
Norgate,

Messrs.

Pindall,
Sacher,
Shapleigh,
Spear,
The Speaker,

Those absent or not voting are:—

Messrs.

Berry, C. E.
Beasley,
Chapman,
Gate,
Cumming ham,
Ogden,
Pyle,
Hopkins, A. M.
Hopkins, O. S.
Hynds,
Kingston,
Lee,

Messrs.

Lynn
Murphy, J. M.
McLeod,
McPherrin,
McVeigh,
Nunn,
Page,
Parrish,
Shipley,
Turner,
Thomas,
Williams,

So the bill was passed.

On motion of Mr. Harley, the rules having been suspended for that purpose, the House passed to the consideration of the joint resolution of the House (H. J. Res. 7) a joint resolution memorializing the Congress of the United States to refund the cotton tax.

Which was read a third time,

And,

By unanimous consent,

Ordered, That the joint resolution be placed upon its passage,

The question being put, Shall the joint resolution pass?

It was decided in the affirmative,—

yeas 59, nays 2, not voting 21.

Those who voted in the affirmative are:—

Messrs.

Berry, G. E.
Berry, J. M.
Brown, Neal
Brickenthal,
Corbett,
Cleveland,
Coit,
Copeland,
Chandler,
Chapman,
Crosby,
Cate,
Dane,
Eagle,
Fox,
Funkhouser,
Foster,
Gilbreath,
Garrett,
Grimm,
Hankins, A. M.
Hankins, Isaac
Harris,
Harley,
Irby,
Johnson, J. M.
Ingram,
Kingston,
Lyon,
Murphy, Dan,

Messrs.

McLeod,
Marshall,
Merritt,
Miller,
Montgomery,
Mitchell,
Preston,
Pindall,
Rankins,
Reid,
Robertson,
Robinson
Sarber,
Shuckhard,
Spears,
Stephenson,
Shepherson,
Strong,
Sudduth,
Stewart,
Turner,
Thurman,
Tillar,
Tennant,
White,
Wheat,
Walker,
Wright,
The Speaker.

Those who voted in the negative are:—

Mr. Chas F. Brown
Mr. Adam Johnson.

Those absent or not voting are:—

Messrs.

Beardsley,
Begley,
Chapline,
Cunningham,
Dunn

Messrs.

Latta,
Murphy, J. M.
McGehee,
McVeigh,
Travis

Messrs, Lyet, Hankins, O. S. Reynolds, Rent, Lee.

Messrs. Page Parish, Shipley, Shinn, Warwick Williams

So the joint resolution was passed.

On motion of Mr. Neal Brown, the rules having been suspended, for that purpose, the House passed to the consideration of the bill of the House (H. B. 167) entitled, An act for the relief of Chas. B. Fitzpatrick, John H. Hazzard and H. H. Wygant, and for other purposes;

Which was read a second time.

On motion of Mr. Fox,

The House resolved itself into the Committee of the Whole House for the consideration of the bill, and

After some time spent therein,

The Speaker resumed the chair,

And,

Mr. Fox reported, that the committee having, according to order, had under consideration the bill of the House (H. B. 167) entitled An act for the relief of Chas. B. Fitzpatrick, John H. Hazzard and H. H. Wygant, and for other purposes, had directed him to report the same to the House with the recommendation that the bill be passed.

Pending the sitting of the Committee of the Whole House.

The Speaker having resumed the chair for that purpose, a message was received from the Senate by Mr. Orrick, their Secretary, viz:-

Mr. Speaker; I am instructed to inform your honorable body of the passage by the Senate of the following joint resolution,

Be it resolved by the General Assembly of the state of Arkansas as follows,

Resolved, That it is the sense of the General Assembly of the State of Arkansas that the laws

nor should declare martial law in the county of Pope and that ample reward should be offered and paid for the arrest and conviction of all persons connected with the assassination of Sheriff Dodson and Capt. Lieut. P. Bennett and that said county of Pope should not be released from the operations of Martial law until such time as the people of said county by their acts show a desire to arrest and punish the assassins that are today treated as true companions.

I herewith transmit the same for your favorable consideration.

The report of the Committee of the Whole House was then announced as above.

Hon. Neal Brown moved that the rules be suspended and that the bill be read a third time and placed upon its passage.

Hon. Copeland moved as a substitute that the bill be ordered engrossed for a third reading and be made special order for 10 o'clock and 30 minutes A. M. on the morrow.

Hon. Sumpter at 2 o'clock and 9 minutes P. M. moved that the House adjourn.

Which was not agreed to.

The question then being on the motion that the bill be ordered engrossed for a third reading and be made special order for 10 o'clock and 30 minutes A. M., on the morrow.

It was agreed to.

And then,

On motion of Hon. Turner,

The House, at 2 o'clock and 10 minutes P. M., adjourned.

Approved

Speaker.

Attest

Clerk.

Thursday, February 27, 1873

The roll being called, it appeared that the following named members were present and answered to their names:

Messrs. C. E. Berry, J. M. Berry, Chas. F. Brown, Bridenthal, Chapline, Corbell, Cleveland, Coit, Coopland, Chandler, Chapman, Crowley, Cate, Fox, Funkhouser, Foster, Gilbreath, Gossett, Grigsby, H. M. Hawkins, Monroe Hawkins, Harris, Hynds, Harley, Jocelyn, Adam Johnson, J. M. Johnson, Kinkead, Kent, Lee, Latta, Mann, Murphy, McLeod, Marshall, Merritt, Matheny, Mitchell, Norman, Preston, Pringle, Rawlins, Reid, Robertson, Robinson, Sheppard, Speare, Stephenson, Shepperson, Strong, Spurlock, Stewart, Duncan, Gillam, Thornburg, White, Wheat, Walker, Wright, The Speaker.

Prayer by the Chaplain.

The journal of Wednesday was read and approved.

By unanimous consent,

On motion of Mr. Chapline,

Ordered, That the rules be and suspended and that the House pass to the consideration of the orders of business of introduction of bills, motions, resolutions and notices, and reports of standing committees.

Mr. Coit introduced a bill (H. R. 242) entitled An act for the relief of persons who purchased lands of the state of Arkansas after May 6, 1861.

Which was read a first time,

By unanimous consent,

Under the suspension of the rules,

The bill was read a second time by title and referred to the Committee on State Lands.

Mr. C. E. Berry introduced a bill (H. R. 243) entitled An act to regulate change of venue in criminal cases,

By unanimous consent,

Under a suspension of the rules.

The bill was read a first and second time by title, and referred to the Committee on the Judiciary.

Mr. Shepperson introduced a bill (H. R. 244) entitled An act to compensate sheriffs.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules.

The bill was read a second time by title and referred to the Committee on County and Probate Courts.

Mr. Chapman introduced a bill together with a petition to the same effect (H. R. 215) entitled An act to extend the time for collecting the taxes of Bibb county for the year 1872.

Which was read a first time.

By unanimous consent,

Under a suspension of the rules.

The bill was read a second time by title and referred to the Committee of Ways and Means.

Mr. Lee, introduced a bill (H. R. 216) entitled An act for the relief of Robert H. Brunnett, Orderly Sergeant, Captain Herriott's Company (B) 4th Ga. Vols. Regiment, State Guards.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules.

The bill was read a second time by title and referred to the Committee on Claims.

Mr. Lee, also, introduced a bill (H. R. 217) entitled An act to aid the State Board of Education to have the common free school system of this state properly represented at the Vienna exposition to be held during the summer and autumn of 1873.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules.

The bill was read a second time by title and referred to the Committee on Public Expenditures.

Mr. Wheat gave notice of the introduction of a bill to be entitled An act requiring parties contracting marriage to procure a license from the county clerk of the county in which the parties reside.

Mr. Shipley gave notice of the introduction of a bill to be entitled, An act to define the boundary lines between the counties of Polk, Paulding, Johnson and Haralson.

Mr. C. E. Berry introduced a bill (H. R. 218) entitled An act to allow compensation to jurors in Justices of the Peace courts,

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time, by title and referred to the Committee on Justices' Courts

Mr. Thurber then introduced a bill, together with a petition to the same effect (H. R. 219) entitled An act to change the boundary line between the Counties of Lawrence and Randolph,

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title and referred to the Committee on Counties and County Lines

Mr. Coit introduced a bill (H. R. 220) entitled An act to regulate the method of licensing attorneys in the several courts of this state,

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title and referred to the Committee on the Judiciary,

Mr. Coit introduced a joint resolution (H. J. Res. 15) a joint resolution providing for the appointment of a joint committee to examine into the transactions in the office of the Treasurer of State,

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The joint resolution was read a second time by title,

Mr. Latta moved that the rules be further suspended, and that the joint resolution be read a third and placed upon its passage

Mr. Thurber moved that the joint resolution be amended by increasing the number of the committee to seven

On motion of Mr. Corbell,
Ordered, That the motion to amend lie on the table.

So, under the rule, the motion to amend, together with the joint resolution was laid on the table.

Mr. Kent introduced a bill (H. R. 221) entitled An act for the incorporation of the Macedonia Male and Female College of the Arkansas and Louisiana district of the Methodist Protestant Church.

By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second time by title and referred to the Committee on the Judiciary.

Mr. Joslyn introduced a bill (H. R. 222) entitled An act regulating the collection of the revenue of the state of Arkansas.

By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second time by title, my hundred and fifty copies ordered printed for the use of the House, and the bill referred to the Committee of Ways and Means.

Mr. Crawley introduced a bill (H. R. 223) entitled An act for the relief of Benj. H. Isaacs, Irving and Alvin Eubanks.

By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second time by title, and referred to the Committee on Public Expenditures.

Mr. Walker, from the Committee on Agriculture, to whom was referred the bill of the House (H. R. 188) entitled An act to encourage the introduction of thoroughbred live stock into this state, reported the same and recommended its passage.

On motion of Mr. Singleton,
Ordered, That the bill and report be engrossed for a third reading and be made special order for 11 o'clock A. M. of Monday March 3, 1873.

Mr. Kingston from the Committee on State Lands, to whom was referred the bill of the House (H. R. 206) entitled "An act to provide for the payment of fees due registers and receivers of United States Land Offices, for locating, posting, listing and certifying to the state lands, granted thereto under the several acts of congress reported the same and recommended its passage.

On motion of Mr. Copeland,

Ordered. That the bill last reported be engrossed for a third reading and be made special order for 11 o'clock A. M. on the morrow.

Mr. Miller from the Committee on the Penitentiary, to whom was referred the bill of the House (H. R. 144) entitled "An act to provide for the leasing and future management of the state penitentiary and other bills for the same purpose submitted, as the report of a majority of the Committee, a bill as a substitute for the several bills (Sub. H. R. 144) entitled "An act to provide for the leasing and future management of the state penitentiary.

On motion of Mr. Miller,

Ordered. That the bill recommended by the committee as a substitute lie on the table and be made special order for 12 o'clock M., on the morrow.

Mr. C. E. Bush from the Committee on Counties and County Lines, to whom was referred the bill of the bill of the House (H. R. 105) entitled "An act to establish the lines between the counties of Montgomery and Clark reported the same and recommended its passage

On motion of Mr. Kingston.

Ordered. That the bill last reported lie on the table subject to the call of the House.

Mr. Kingston gave notice that the special investigating committee appointed by the House would on early day introduce a bill to provide for the seizure and confiscation to the state of certain lines of railroads and to protect the state from unwarranted issuances

of bonds to railroads and corporations.

Mr. Sheppard from the Committee on Circuit and Justices' Courts to whom was referred the bill of the House (H.R. 63) entitled An act to provide for the compensation of witnesses in the circuit court and before the grand jury, reported the same and recommended its passage!

On motion of Mr. Coit,

Ordered, That the bill last reported be engrossed for a third reading and be made special order for 11 o'clock A.M., of Saturday, March 1. 1873.

On motion of Mr. Chaplin,

The House proceeded to consider the substitute for the joint resolution of the House (Sub: H. J. Res 131 a joint resolution instructing the Attorney General to file a bill in equity to set aside the sale of all Real Estate Bank lands sold to E.R. Knight in Crittenden County,

Which was read a third time.

Mr. Fox moved that the joint resolution be placed upon its passage.

Mr. Shinn moved as a substitute that the joint resolution be referred to the Committee on the Judiciary.

Which was not agreed to.

The question then recurring on the motion that the joint resolution be placed upon its passage,

It was agreed to,

And,

The question being put, Shall the joint resolution pass?

It was decided in the affirmative, - yeas 60, nays 5, not voting 24.

Those who voted in the affirmative are:-

Messrs.

Berry, J. M.
Bynum, Chas. F.
Chaplin.
Corbell,
Cleveland
Coit,
Copeland,
Latta,
Murphy, J. M.
Murphy, Wm.
McLeod,
Merritt,
Millen,
Matheny,

Messrs. Chandler,
Chapman,
Cate,
Davis,
Eagle,
Fox,
Fairbush,
Foster,
Gilbreath,
Gossett,
Grissom,
Hankins, A. M.
Hankins, Messrs.
Harris,
Hynds,
Hanley,
Kelly,
Johnson, Adam
Johnson, J. M.
Joyner,
Kilgetun,
Lee,
Lynn,

Voting in the negative.

Mr. Thorne,

Those absent or not voting are:—

Messrs. Mitchell,
Preston,
Pruden,
Rankine,
Robertson,
Robinson,
Shepard,
Spears,
Stephenson,
Shepperson,
Strong,
Sumpter,
Stewart,
Turner,
Thomason,
Tilghman,
Thornburg,
Warwick,
White,
Wheat,
Walker,
Wright,
The Speaker,

Messrs. Berry, C. E.
Beckwith,
Brown, Neal
Beasley,
Brickenthal,
Brawley,
Cunningham,
Ervin,
Gist,
Hawkins, O. S.
Neal,
Marshall,
McAlpine,
McNeill,
Nance,
Page,
Parish,
Reid,
Sasser,
Spruill,
Williams,

So the joint resolution was passed.
On motion of Mr. Chapman,
The House passed to the consideration

of the special order set for 11 o'clock and 30 minutes A. M. of Monday, February 10, 1873, being the consideration of the bill of the House (H. R. 139) entitled An act to extend the time for the payment of amounts due the state from the securities on the bond of John Jones, late sheriff and ex-officio collector of Boone county, and for other purposes.

Which was read a third time,

And,

On motion of Mr. Chaplin

Ordered, That the bill be placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative,—yeas 56, nays 13, not voting 13.

Those who voted in the affirmative are:—

Messrs.

Berry, Lo. E.
Bybee, Neal
Chaplin,
Cobell,
Cleveland,
Coit,
Copeland,
Chapman,
Cate,
Dane,
Eagle,
Fox,
Fairbush,
Foster,
Galbreath,
Hankins, A. M.
Hankins, Moses
Harris,
Hynds,
Irelyn,
Johnson, Adam
Johnson, J. M.
Joyner,
Langston,
Nevit,
Murphy, J. M.
Murphy, Wm.
McLeod,
Marshall,
Merritt,
Miller,
Matheny,
Mitchell,
Nunn,
Preston,
Rayburn,
Reed,
Robertson,
Robinson,
Sharpard,
Speace,
Stephenson,
Shepherd,
Strong,
Sentark,
Turner,
Thornbury,
Warwick
White,
Wheat

Messrs. Gyesinn, Lee, Latta

Messrs. Walker, Wright, The Speaker.

Those who voted in the negative are:-

Messrs. Berry, J. M. Brown, Chas. F. Bridewthal Chandler, Crowley, Cozett, Hanley.

Messrs. Lynn Pindall, Sumpter, Thurman, Thurmon, Tillar.

Those absent or not voting are:-

Messrs. Beardsley, Beasley Cunningham, Esquivel, Gist, Hawkins, O. S. McGehee

Messrs. McNeigh, Page, Parish, Sayber, Shipley, Williams.

So the bill was passed.

A message from his Excellency the Governor, by Ned McCauley his private secretary, who by unanimous consent, read the same as follows, viz:-

Executive Department, Arkansas.
Little Rock February 27, 1873.

To the House of Representatives of Arkansas.
Gentlemen;- I have signed and approved House Bill entitled "An act to amend an act to establish and organize the county of Sabee and for other purposes" also Memorial of the General Assembly to the Congress of the United States, asking for the passage of the amendment to the law authorizing the disposal of the lands on the military reservation at Fort Smith in Arkansas" all of which are herewith returned,

Elisha Baxter
Governor of Arkansas

On motion of Mr. Borbell, the rules having been suspended for that purpose, the House passed to the consideration of the bill of the House (H. R. 96) entitled An act to provide for the payment of jurors and witnesses in justices' courts.

And

On motion of Mr. Borbell,

Ordered, That the bill be engrossed for a third reading and be made special order for 11 o'clock A. M., of Saturday, March 15, 1873.

Under a suspension of the rules for that purpose,

Mr. Fox from the Committee on the Judiciary to whom was referred the bill of the House (H. R. 198) entitled An act to require barbers to close their shops on the sabbath day, reported the same and recommended that the bill be not passed,

On motion of Mr. Kingston,

Ordered, That the further consideration of the bill just reported be indefinitely postponed.

Also, from the same committee to whom was referred the bill of the House (H. R. 46) entitled An act to repeal an act entitled an act to maintain the public peace, approved March 13, 1869, reported the same and recommended its passage.

On motion of Mr. Miller,

Ordered, That the report of the committee be rejected,

Also from the same committee, to whom was referred the bill of the House (H. R. 111) entitled An act for the relief of the securities of John M. Stout late sheriff of Pope county, reported the same with the recommendation of the majority of the committee that the bill be not passed,

Mr. Sheppard, from the same committee submitted the following minority report thereon:-

Mr. Speaker: The undersigned a minority of the House Judiciary Committee to whom was referred House bill No 111 having dissented from the conclusions arrived and reported by the majority, asks leave to present the minority report,

1st. The relief sought by the bill is reasonable and equitable, and ought to be granted.

2nd. From the only evidence heard by the committee it appears that the securities are in no manner culpable for the default of the sheriff.

3rd. The sheriff was tried and convicted and it is by no means certain that he was morally guilty.

All of which is respectfully submitted

Shappaul, of Pope.

On motion of Mr. Turner.

Ordered. That the bill just reported together with the majority and minority reports thereon lie on the table, subject to the call of the House.

The House proceeded under the regular order of business to consider the joint resolution of the Senate (S. J. Res. 9) a joint resolution requesting the Governor to declare martial law in the county of Pope.

Which was read a first time.

Mr. Corbell moved that the rules be suspended and that the joint resolution be read a second time.

Mr. Pridall asked for the yeas and nays.

The question being put, Shall the rules be suspended?

It was decided in the negative - yeas 35, nays 29.

The yeas and nays being demanded by five members.

Those who voted in the affirmative are;

Messrs.

Berry, B. E.
Brown, Neal
Bynum, Chas. F.
Chapline.
Corbell,
Cleveland,
Dent,
Copeland,
Davis,

Messrs.

McLeod,
Marshall,
Merritt,
Miller,
Nance,
Rawlins,
Robinson,
Shappaul,
Speaks

Messrs.

Grissom,
Hopkins, Mo.
Hoan's.
Johnson, Adams
Johnson, J. M.
Kingston,
Klutt,
Lee,
Mcinstry, Wm.

Those who voted in the negative are:-

Messrs.

Berry, J. M.
Bridenthal
Chandler,
Chapman,
Crowley,
Cate,
Fox,
Frubush,
Foster,
Gilbreath
Garrett,
Hynds
Harley,
Jaclyn,
Jorgen

Messrs.

Stephenson,
Shepperson,
Strong,
Stewart,
Turner,
White,
Wyatt,
The Speaker.

Messrs:

Latta,
Matheny,
Neeley,
Ongdall,
Reed,
Robertson
Sumpter,
Thurman,
Thompson,
Tillar,
Thornburg,
Warwick,
Walker
Wright.

So the rules were not suspended (two-thirds of the members present not voting therefor)

Mr. Cate from the Committee on Engrossed Bills, reported correctly engrossed the bill of the House (H. R. 167) entitled An act for the relief of Chas. B. Fitzpatrick, John M. Hazard and M. M. Wygant and for other purposes.

The House proceeded to consider the joint resolution of the Senate (S. M. Res. 4) a joint resolution removing the political disabilities of certain persons from disfranchisement.

Which was read a first time.

By unanimous consent,

Under a suspension of the rules.

The joint resolution was read a second time by title.

Ord.

On motion of Mr. Kent,

The rules were, by unanimous consent, further suspended, and

The joint resolution was read a third time and placed upon its passage.

The question being put, Shall the joint resolution pass?

It was decided in the affirmative,— yeas 57, nays 4, not voting 24.

Those who voted in the affirmative are:—

Messrs.

Berry, O. E.
Berry, J. M.
Bridenthal
Chaplin.
Corbell.
Cleveland.
Coit,
Copeland
Chandler.
Chapman,
Crowley.
Cate,
Davis,
Eagle,
Fox,
Foster.
Gilbreath,
Garrett,
Greene,
Hankins, Mont.
Harris
Hynds,
Harby,
Jordan
Johnson, Adam
Johnson, J. M.
Joyner
Kingston,
Lee,
Murphy, Wm.
McLeod,
Moffitt,
Miller,
Matheny,
Norris,
Preston,
Rankins
Reid,
Robertson,
Robinson,
Spears,
Stephenson,
Shepperson,
Strong,
Sumpter,
Stewart,
Turner,
Tyson,
Thomas,
Gillam,
Throckmorton,
Wagstaff,
White,
Wheat
Walker,
Wright,

Messrs.

Kent,

Voting in the negative:

Mr. Chas. H. Brown,

Those absent or not voting are:

Messrs.

Beardsley,
Brown, Seed
Beasley,
Cunningham,
Ennis,
Eyrbush,
Izzet,
Hankins, A.M.
Hankins O.S.
Lyons,
Latta,
Murphy, J. M.

Messrs.

Marshall,
McGehee,
McVeigh,
Mitchell,
Page,
Pindall,
Parish,
Sauber,
Shipley,
Shapard,
Williams,
The Speaker,

So the joint resolution was passed.

Mr. Coit, the rules having been suspended for that purpose, gave notice that he would move to reconsider the vote by which the House laid on the table the joint resolution of the House (H. R. Res. 15) a joint resolution providing for the appointment of a joint committee to examine into the transactions in the office of the Secretary of State,

The House proceeded to consider the bill of the Senate (S. 87) entitled "An act to provide for the correction of a clerical error in an act entitled an act to amend an act entitled an act to fix the compensation of Probate and County Judges of the several counties in the state of Ark's, approved March 27, 1871.

Which was read a first time.

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title, and

On motion of Mr. J. H. Johnson,

The rules, were by unanimous consent suspended, and

The bill was read a third time and placed upon its passage,

The question being put, Shall the bill pass?
It was decided in the affirmative, — yeas 68, nays none, not voting 21.,
Those who voted in the affirmative are:-

Messrs.

Berry, J. W.
Bynum, Neal,
Bridenthal
Chapline,
Corbell,
Cleveland,
Coit,
Copeland,
Chandler,
Chapman,
Crowley,
Cate,
Dare,
Eagle,
Ferree,
Fairbush,
Foster,
Gilbreath
Gossett,
Grissom
Hankins, Mann
Harris,
Hynds,
Harley,
Joslyn,
Johnson, Adam
Johnson, J. W.
Joyner,
Livingston,
Lynch,
Murphy, J. M.

Messrs.

Murphy, Wm.
McLeod,
Marshall,
Merritt,
Mofflett,
Matheny,
Mitchell,
Nunn,
Preston,
Randall
Rayburn,
Reid,
Robertson,
Robinson,
Sharpard,
Spears,
Stephenson,
Shepperson,
Strong,
Sumpter,
Stewart,
Turner,
Thomason,
Tillar,
Tarrenberry,
White,
Wheat,
Walker,
Wright,
The Speaker,

None voting in the negative,
Those absent or not voting are:

Messrs

Berry, C. C.
Beardsley,

Messrs.

Cotton,
McGehee,

Messrs.

Brown, Chas. F.
Beasley,
Cunningham,
Erwin,
Gest,
Hankins & Mc.
Hankins, O. S.
Kent,
Lee,

Messrs.

McVeigh,
Page,
Parrish,
Parker,
Shipley,
Stevens,
Warwick,
Williams,

So the bill was passed.

A message from the Senate by Mr. Quick their secretary, viz:-

Senate Chamber, Feby. 27, 1873.

Mr. Speaker: I am instructed by the Senate to transmit to your honorable body, the evidence taken before the Committee on Militia, in regard to the investigation of affairs in Pope county, and herewith transmit the same.

The House proceeded to consider the bill of the Senate (S. 86) entitled An act to prohibit the sale of of ardent spirits to minors.

Which was read a first time.

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title.

Mr. Reid moved that the rules be further suspended and that the bill be read a third time.

Which was not agreed to. (two-thirds of the members present not voting therefor).

Yeas.

On motion of Mr. Reid

Ordered, That the further consideration of the bill be postponed and made special order for 11 o'clock, A. M., of Monday, March 3, 1873.

Mr. Fox moved that the rules be suspended and that the House pass to the consideration of the bill of the Senate (S. 22) entitled An act supplementary to chapter 62 of Laws of 1871.

Which was not agreed to (two-thirds of the

member present not voting therefor)

The House proceeded to consider the bill of the Senate (S. 28) entitled An act to authorize certain school districts to borrow money to build and repair school houses.

Which was read a first time.

Ordered,

Under a suspension of the rules.

The bill was read a second time by title, and On motion of Mr. Dumpton.

Was referred to the Committee on Education.

The House proceeded to consider the bill of the Senate (S. 32) entitled An act amendatory of an act entitled an act regulating roads and highways.

Which was read a first time.

By unanimous consent.

Under a suspension of the rules.

The bill was read a second time by title and referred to the Committee on Roads and Highways.

The House proceeded to consider the bill of the Senate (S. 84) entitled An act to abolish the criminal court of Jefferson county.

By unanimous consent.

Under a suspension of the rules

The bill was read a first and second time by title and referred to the Committee on the Judiciary.

The House proceeded to consider the bill of the Senate (S. 27) entitled An act to repeal certain portions of an act entitled an act to amend section 2 of an act to make Treasurers certificates receivable for taxes, approved March 24, 1869, also an act authorizing the Treasurer to issue interest bearing certificates on bank-note paper, approved March 16, 1871

Which was read a first time,

By unanimous consent,

Under a suspension of the rules.

The bill was read a second time by title.

On motion of Mr. Pindall,

The bill was amended by inserting after

the words "legal tenders," the words "and all national currency"

And,

On motion of Mr. Robinson,

The bill was referred to the Committee of Ways and Means.

The House proceeded to consider the bill of the Senate (S. 85) entitled An act to change and reestablish the boundary lines of Grant county.

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title and referred to the Committee on Counties and County Lines.

A message from the Senate by Hon. Orrick, their secretary, viz:-

Senate Chamber Feby 27 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate (S. B. No 58) entitled An act to establish the county of Clayton &c. and herewith transmit the same for your favorable consideration,

The House proceeded to consider the bill of the Senate (S. 38) entitled An act to amend section two of an act entitled an act for the location, organization and maintenance of the Arkansas Industrial University with a normal department thereon,

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title and referred to the Committee on Education,

The House proceeded to consider the bill of the Senate, (S. 81) entitled An act to amend an act entitled an act to regulate the practice in matter of exemption of property on final process,

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second

time by title and referred to the Committee on the Judiciary.

The House proceeded to consider the bill of the Senate (S 90) entitled An act for the relief of the state guards, and for other purposes

Which was read a first time,
By unanimous consent,
Under a suspension of the rules.
The bill was read a second time by title and referred to the Committee on Public Expenditures,

The House proceeded to consider the bill of the Senate (S. 58) entitled An act to create the county of Clayton, and for other purposes.

By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second time by title and referred to the Committee on Counties and County Lines.

The House proceeded to consider the bill of the Senate (S. 74) entitled An act to provide for the printing of three thousand copies of the acts of the General Assembly of the state of Arkansas passed at the session of 1868 and the "adjourned" session of 1868 and 1869,

By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second time by title, and

On motion of Mr Hunt,
Was referred to the Committee on Public Printing,

The House proceeded to consider the bill of the Senate (S. 55) entitled An act to authorize duly appointed examiners to take acknowledgements of deeds, mortgages and other conveyances of real and personal property, and powers of attorney, and other instruments,

By unanimous consent,
Under a suspension of the rules,
The bill was read a first and second time by title and referred to the Committee on the

Judiciary.

The House proceeded to consider the bill of the Senate (S. 61) entitled An act for the relief of Wilcoxen & Maxfield,

By unanimous consent,

Under a suspension of the rules

The bill was read a first and second time by title and referred to the Committee on Public Expenditures.

The House proceeded to consider the bill of the Senate (S. 41) entitled An act to regulate homestead and landlords' liens in the courts of this state.

Which was read a first time

By unanimous consent,

Under a suspension of the rules.

The bill was read a second time by title,

And,

On motion of Mr. Murdoch.

Ordered, That the further consideration of the bill be indefinitely postponed.

The House proceeded to consider the joint resolution of the Senate (S. Jt. Res. 5) entitled A proposed amendment to the Constitution which if adopted and ratified in the manner prescribed by Article XIIIII shall thereafter be substituted for and known as article XIIII of the Constitution of the State of Arkansas.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules.

The joint resolution was read a second time by title and referred to the Committee on the Judiciary.

The House proceeded to consider the memorial of the Senate (S. Mem. 15) a memorial to the Congress of the United States in relation to bounties of Colored soldiers.

Which was read a first time.

By unanimous consent,

Under a suspension of the rules

The memorial was read a second time by title, and

On motion of Rep. J. H. Berry,

The rules were, by unanimous consent, further suspended, and

The memorial was read a third time and placed upon its passage;

The question being put, Shall the memorial pass?

It was decided in the affirmative,—yeas 60, nays none, not voting 22.

Those who voted in the affirmative are:

Messrs.

Berry, J. H.
Bigelow, Neal
Bigelow, Chas. F.
Bridenthal,
Chaplin,
Corbell,
Cleveland,
Coit,
Copeland,
Chandler,
Chapman,
Cate,
Eagle,
Fitz,
Funkhouser,
Foster,
Gilbreath,
Gossett,
Grissom,
Hankins, H. H.
Hankins, Messrs
Harris,
Hynds,
Harley,
Hyde,
Johnson, Adam
Johnson, J. H.
Joyner,
Kilgore,
Latta

Messrs.

Murphy, J. H.
Murphy, Chas.
McLeod,
Marshall
Merritt,
Matheny,
Mitchell,
Preston,
Pindall,
Rawlins,
Reid,
Robertson,
Robinson,
Sizer,
Sharpe,
Speece,
Stephenson,
Shepherson,
Strong,
Sumpter,
Stewart,
Turner,
Thornton,
Tillar,
Thornbury,
White,
Wheat,
Walker
Wright
The Speaker

None voting in the negative

Those absent or not voting are,

Messrs. Berry, C. E.
Bendelay,
Beasley,
Crowley,
Cunningham,
Daine,
Ennis,
Ezzet,
Hankins, O. S.
Kent,
Lee,

Messrs. Lynn,
Markham,
Mellen,
McLeigh,
Nunn,
Page,
Parrish,
Shuiglay,
Shubrick,
Warwick,
Williams,

So the memorial was passed,
By unanimous consent,
On motion of Mr. Sasser,
Leave of absence was granted Mr. J. H. Shuiglay for 7 days, dating from Tuesday, February 25, 1873,
And then,
On motion of Mr. Ezzet,
The House, at 1 o'clock and 4 minutes P. M. adjourned,
Approved

Speaker.

Attest

Clerk.

Friday, February 28, 1873

The roll being called it appeared that the following named members were present and answered to their names, viz:—

Messrs. C. C. Berry, J. H. Berry, Chas. F. Brown, Bridgethal, Chaplin, Corbett, Cleveland, Copeland, Chandler, Chapman, Crowley, Cate, Dane, Ennis, Eagle, Fox, Fairbanks, Foster, Gilbreath, Gazette, Greene, A. M. Hawkins, Monroe Hawkins, Hynds, Hanley, Joslyn, Adam Johnson, J. H. Johnson, Jones, Kingston, Kent, Lee, Lynn, Latta, Mc. Murphy, McLeod, Marshall, McGehee, Merritt, Mellen, McLeigh, Matheny, Mitchell, Nunn, Preston, Pridgen, Randolph, Reid, Robertson, Robinson, Sasser, Sharpard, Spears, Stephenson,

Shepperson, Strong, Stewart, Tignor, Thomason, Tillar, Thornburg, White, Wheat, Walker, Wright, The Speaker.

Prayer by the Chaplain.

The Journal of Thursday was read and approved.

The House, under the order of unfinished business, passed to the consideration of the bill of the House (H. R. 167) entitled An act for the relief of Chas. B. Fitzpatrick, John H. Hazzard and H. H. Bryant and for other purposes

Which was read a third time,

And,

By unanimous consent,

Ordered, That the bill be placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative,—yeas 35, nays 26, not voting 21.

Those who voted in the affirmative are:—

Messrs.

Berry, C. E.
Brown, Neal
Brown, Chas. F.
Chaplin,
Corbell,
Cleveland,
Copeland,
Davis,
Fitzhugh,
Giesen,
Hawkins, A. H.
Hawkins, Moses,
Harris,
Joslyn,
Johnson, Adam
Johnson, J. H.
Kingston,
Kent
Murphy,
McLeod,
Merritt,
Millen,
Rawlins,
Robinson,
Shapard,
Spears,
Stephenson,
Shepperson,
Strong,
Stewart,
White,
Wheat,
The Speaker.

Those who voted in the negative are;

Messrs.

Berry, J. H.,
Bidinthal,
Chandler,
Mathews,
Mitchell,
Preston,

Messrs.

Cate,
Ervin,
Eagle,
Fifer,
Gilbreath,
Gozett,
Reynolds,
Harley,
Lyda,
Latta.

Messrs.

Riddell,
Reid,
Robertson,
Scruggs,
Shuford,
Shumaker,
Fillar,
Shumburg,
Walker,
Wright.

Those absent or not voting are:

Messrs.

Beardsley,
Beasley,
Bost,
Chapman,
Crowder,
Cunningham,
Fox,
Gist,
Hankins, O. S.
Joyner,
Lee
Mountcastle, J. M.

Messrs.

Marshall,
McAfee,
McVeigh,
Minish,
Page,
Parrish,
Sarbaugh,
Shipley,
Tucker,
Warwick,
Williams.

So the bill was passed,

Pending the vote,

Mr. Gilbreath (when his name was called) sent to the clerk's desk the following explanation of his vote:—

Mr. Speaker:— Not having heard the testimony, and believing as I also do the bill is unconstitutional and would be special legislation and the parties having these remedies before the courts, I vote no.

Mr. Harley (when his name was called) sent to the clerk's desk the following explanation of his vote:—

I do not wish to be misunderstood or misinterpreted in the vote I may give on the bill now under consideration for the relief of Judge Fitzpatrick and

cuntries. I believe that each department of the government has its specific duties to perform; legislation to enact laws; judicial to expound and enforce the laws thus made. The powers conferred and duties enjoined on the executive are ample and sufficient to execute the law. If the party accused in the bill acted in self defense he will have but little difficulty in his acquittal. If he cannot have a fair and impartial trial in Mississippi county he can easily change the venue to some other county. The Governor is performing his duty in offering rewards for the apprehension of assassins who are murdering men shunning his intention to bring them to condign punishment, but a legislator I cannot interfere with the other departments either executive or judicial, in the performance of their constitutional functions and duties.

Mr. McVeigh. (when his name was called asked and was by unanimous consent excused from voting.

Mr. Shumbudy (when his name was called) sent to the clerk's desk the following explanation of his vote:—

Mr. Speaker:— In casting my vote I do not pass upon the guilt or innocence of Mr. Fitzpatrick, but viewing it from a legal standpoint, must and do cast my vote no.

The vote was then announced as above.

Mr. Chaplin moved that the House pass to the consideration of the substitute for the bill of the House, heretofore laid on the table subject to the call of the House (Sub. H. R. 117), entitled An act making appropriations to pay members and officers of the General Assembly, and the contingent expenses thereof.

Mr. Kingston moved that the motion be laid on the table.

Which was not agreed to.

The question then recurring on the motion

that the House pass to the consideration of the substitute for the bill of the House (Sub. H.R. 117) entitled An act making appropriations to pay members and officers of the General Assembly and the contingent expenses thereof.

It was agreed to.

And the House accordingly passed to the consideration of the substitute bill.

Pending which,

A message from the Senate by Hon. Quick, their secretary, viz:-

Senate Chamber Feby 27, 1873.

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage by the Senate (of H.J.R. No 7) memorializing the Congress of the United States to refund the Cotton tax, and herewith return the same.

The House resumed consideration of the substitute for the bill of the House (Sub. H.R. 117) entitled An act making appropriations to pay members and officers of the General Assembly and the contingent expenses thereof.

Mr. Kent moved that the bill be amended by striking out the words "eighty-five thousand" and inserting in lieu thereof the words "one hundred and ninety-five thousand."

And,

Mr. Kent asked for the yeas and nays.

The question being put, Shall the amendment be agreed to?

It was decided in the negative, - yeas 4, nays 62.

The yeas and nays being desired by five members

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Brown, Neal

Messrs.

Corbell,
Kent.

Those who voted in the negative are:-

Messrs.

Berry, J. H.
Brown, Chas. F.
Brideutal

Messrs.

McLeod,
Marshall,
Hodgehee,

Messrs.

Chaplin
Cleveland.
Copeland
Chandler,
Chapman
Cate.
Erwin.
Eagle,
Fox,
Fairbrook,
Foster.
Gilbreath,
Gossett,
Grissom,
Hawkins. A. H.
Hawkins. Monroe,
Hanis.
Hynds.
Harley.
Jolly,
Johnson. Adam
Johnson. J. H.
Joyner
Kingston,
Lee,
Lynch,
Latta.
Murphy. Wm

Messrs.

Merritt,
Moilley,
Matheny.
Mitchell.
Preston,
Pindell,
Rayburn,
Rich.
Robertson,
Robinson,
Sawyer,
Sharpe and,
Spears,
Stephenson
Shepperson,
Styron,
Sumpter,
Stewart,
Thigpen,
Thomason,
Tilman,
Thornburg,
Waynick,
White,
Wheat,
Walker,
Wright,
The Speaker,

So the amendment was not agreed to.

Mr. Chaplin moved that the further consideration of the bill be postponed until 10 o'clock A. M. on the morrow,

Mr. Rich moved as an amendment that the further consideration of the bill be postponed and be made special order for 11 o'clock A. M. of Thursday, March 13, 1873, and asked for the yeas and nays,

The question being put,

It was decided in the affirmative yeas 43, nays 21,

The yeas and nays being demanded by five members,

Those who voted in the affirmative are:—

Messrs.

Berry, C. E.
Berry, J. H.
Brinton, Neal
Brown, Chas. F.
Brudenthal,
Corbett,
Copeland,
Chandler,
Chapman,
Davis,
Furbush,
Foster,
Grissom,
Hawkins, Monroe,
Harris,
Hoyt,
Harley,
Jaslyn,
Johnson, Adam
Johnson, J. H.
Jones,
Kent,
Lyons,
Latta,
Murphy,
McCobb,
Meyrick,
Miller,
McNeigh,
Rankins,
Reid,
Robertson,
Robinson,
Spear,
Stephenson,
Shepherson,
Strout,
Stewart,
Thorne,
Thornburg,
White,
Wright,
The Speaker.

Those who voted in the negative are

Messrs.

Chaplin,
Cleveland,
Cole,
Ervin,
Eagle,
Gilbreath
Gilbreth
Gerrett,
Kingston,
Murphy, J. H.
Mahoney,
Mitchell,
Preston,
Pindall,
Sayles,
Shepard,
Sampson,
Swasey,
Tillson,
Yagnick,
Wheat,

So the motion was agreed to,
The House proceeded under the order of unfinished business to consider the

special order set for 11 o'clock A. M. of Thursday Febuary 20, 1873. being the consideration of the bill of the House (H.R. 173) entitled An act for the benefit of Pleasant Grove Academy in the county of Greene.

Which was read a third time.

And,

By unanimous consent.

Ordered, That the bill be placed upon its passage,

The question being put, Shall the bill pass?

It was decided in the affirmative,— yeas 55, nays none, not voting 27.

Those who voted in the affirmative are:—

Messrs.

Bunn, C. C.
Bunn, J. H.
Bynum, Neal
Bynum, Chas. F.
Bridenthal,
Bagbell,
Cleveland,
Copeland,
Chandler,
Chapman,
Crowley,
Cate,
Eagle,
Fox,
Furbush,
Fisher,
Gorsett,
Gibson,
Hankins, A. M.
Hankins, Monroe
Hynds,
Harley,
Jolly,
Johnson, Adam,
Joyner,
Kaplan,
Kingston,
Latta,
Humphry, J. M.
Murphy, Wm.
McLeod,
Marshall,
Merritt,
Moiller,
Matheny,
Mitchell,
Preston,
Pindall,
Reid,
Robinson,
Sarber,
Sheppard,
Spears,
Stephenson,
Shepherson,
Styron,
Sculpter,
Stewart,
Thomason,
Tillar,
Tourgee,
White,
Wheat,
Walker,

Messrs.
Kent,
None voting in the negative;
Those absent or not voting are:—

Messrs.
Beardsley,
Beasley,
Coit,
Cunningham,
Davis,
Emery,
Gist,
Gilbreath,
Hankins, O. S.
Harris,
Johnson, J. H.
Lee,
Lynch,
McGehee,

Messrs.
McVeigh,
Mundy,
Page,
Parish,
Rainbird,
Robertson,
Shipley,
Snively,
Thomas,
Warwick,
Williams,
Wright,
The Speaker.

So the bill was passed,
By unanimous consent,
On motion of Mr. Fox,
The House passed to the consideration of the bill of the House heretofore laid on the table subject to the call of the House (H. B. 89), entitled An act to regulate the sale of vinous, spirituous, mixed or malt liquors within this state,
Which was read a second time,
On motion of Mr. Fox,
The bill was amended by striking out in section 6, lines 4 and 5, the words "one half of each fine to be paid, when collected, to the informer, and the other half."
Then,
On motion of Mr. Sarber,
Ordered, That the bill be engrossed for a third reading and be made special order for 11 o'clock A. M., of Monday, March 3, 1873,
Mr. A. M. Hankins, from the Committee on Elections, to whom was referred the matter of the contested election in the Twelfth representative district, submitted as a privileged question,

the following report thereon, which was read and adopted, viz:—

Mr. Speaker: Your Committee on Elections having had under consideration the contested election case in the 12th Representative District wherein J. L. Wise, L. L. Berry, Joseph Helms and Isaac Palmer contest the seats of M. M. Ervin, J. P. Eagle, D. J. Hynds and J. F. Preston in this body beg leave to submit the following report.

1st. The committee find on examination of the papers and documents before the members thereof, that no notice has been served on the said M. M. Ervin, J. P. Eagle, D. J. Hynds and J. F. Preston sitting members from the 12th Senatorial and Representative District by the contestants J. L. Wise, L. L. Berry, Joseph Helms and Isaac Palmer as required by law. See Sec. 95, page 479 of Gould's Digest.

2nd. That the certified returns of the clerks of said 12th district as returned to the Secretary of State, show the said M. M. Ervin, J. P. Eagle, D. J. Hynds and J. F. Preston duly elected.

On consideration of the above facts your committee would respectfully recommend that the demurrers of said contestees in regard to notice be sustained and that M. M. Ervin, J. P. Eagle, D. J. Hynds and J. F. Preston be declared the duly elected members of this body from the 12th Senatorial and Representative District of the state of Arkansas.

A. M. Hawkins,
Chairman,
S. W. McLeod,
Fred. Hays,
Rufus Lee,
Neal Brown,
Committee on Elections.

Mr. Kent moved that the rules be

suspended and that he be allowed to introduce a joint resolution.

Pending which,

By unanimous consent,

Mr. Thornburg gave notice that he would move to reconsider the vote by which the House agreed to the adoption of the report of the Committee on Election in the matter of the contested election in the Forty-fifth representation district, and would also move that the motion to reconsider be laid on the table.

Then,

By unanimous consent,

The rules being suspended for the purpose,

Mr. Kent introduced a joint resolution (H. J. Res. 16) a joint resolution to adjourn the General Assembly sine die, March 29, 1873.

Which was read a first time.

Mr. Chapline moved that the further consideration of the joint resolution be postponed and made special order for Monday, March 10, 1873.

Mr. Kent asked for the yeas and nays.

The question being put,

It was decided in the negative,—yeas 16, nays 44.

The yeas and nays being desired by five members,

Those who voted in the affirmative are;

Messrs,

Benn, C. E.,
Bynum, Chas. F.,
Chapline,
Eagle
Fichter
Hankins & McC.
Harris,
Ivey

Messrs.

Murphy, J. M.,
Murphy, Wm.,
Morehead,
Merritt,
Matheny,
Pindell,
Reid,
Thornburg,

Those who voted in the negative are;

Messrs,

Berry, C. H.,

Messrs.

McLeod,

Messrs.

Priedenthal
Corbett.
Cleveland.
Copeland.
Chandler.
Chapman
Crowley.
Cate.
Ennis.
Faribush.
Gilbreath.
Gorsett,
Grissom.
Hawkins. Harris
Hynds.
Hurley.
Johnson, J. H.
Kingston.
Kent.
Lynn.
Latta.

Messrs.

Miller.
Mitchell.
Preston.
Rawlins.
Robertson,
Robinson,
Sarber.
Spears.
Stephenson,
Shepperson.
Strong,
Sumpter,
Stewart.
Thomason,
Tillar,
Warnick,
White,
Wheat,
Walker.
Wright,
The Speaker.

So the motion to postpone was not agreed to.

On motion of Mr. Sarber,

The rules were, by unanimous consent, suspended, and

The joint resolution was read a second time by title.

Mr. Sarber moved that the joint resolution be referred to the Committee of Ways and Means.

Mr. Kent moved as a substitute that the joint resolution lie on the table and be made special order for 11 o'clock A. M., of Monday, March 3, 1873.

Which was not agreed to.

The question then recurring on the motion that the joint resolution be referred to the Committee of Ways and Means

Mr. Kent asked for the yeas and nays.

The question being put,

It was decided in the negative.—yeas 28, nays 84,

The yeas and nays being desired by five members,

Those who voted in the affirmative are:—

Messrs.

Berry, C. E.
Brown, Neal
Chaplin.
Corbett,
Cate.
Ervin,
Fairbush.
Hawkins, A. M.
Harris.
Jordyn,
Johnson, Adair
Kingston.
Murphy, J. M.
Murphy, Wm.

Messrs.

McGehee.
Pindall.
Reid.
Robertson.
Sauber.
Spears.
Stephenson,
Sumpter.
Tilden.
Warwick.
White.
Wheat.
Walker.
The Speaker.

Those who voted in the negative are:-

Messrs.

Berry, J. M.
Brown, Chas. F.
Bridenthal.
Cleveland.
Copeland.
Chandler.
Crowley.
Dane.
Eagle.
Fox.
Foster,
Gilbreath.
Gossett,
Grigsby.
Hawkins, Mason.
Reynolds.
Harley

Messrs.

Johnson, J. M.
Kent.
Lyons,
Latta.
McLeod,
Merritt,
Millsaps.
Matheny.
Mitchell.
Preston
Robinson.
Shappard,
Shepperson,
Sharp.
Stewart,
Thomason.
Thornberry.

So the House refused to refer the joint resolution to the Committee of Ways and Means.

Mr. Chaplin moved that the joint resolution be referred to the Committee on the Judiciary.

Pending which,

The hour of 12 o'clock M. having arrived,

The House proceeded to consider the special

order set for that hour, being the consideration of the substitute for the bill of the House (No. H. R. 144) entitled An act to provide for the leasing and future management of the state penitentiary, together with the report of the majority of the Committee on the Penitentiary thereon.

When,

Mr. Sampter from the Committee on the Penitentiary, to whom was referred the bills of the House (H. R. 74) entitled an act to provide for the keeping of the Penitentiary and the reduction of the expenses thereof, and (H. R. 144) entitled an act to provide for the leasing and future management of the State Penitentiary, and also (H. R. 169) entitled An act to provide for keeping the penitentiary and make it a source of revenue, reported the same and submitted as the report of the minority of the committee, a substitute therefor (H. R. 224) entitled An act to provide for the leasing and future management of the state penitentiary, with the recommendation that it be adopted in lieu of the substitute bill reported by the majority of the committee.

The question being on the adoption of the minority report,

Mr. Pindall moved that the usual number of copies of the majority and minority reports of the committee be printed for the use of the House and be made special order for 11 o'clock A. M. of Tuesday, March 4, 1873.

Mr. Reid moved as an amendment, that the report and substitute bill recommended by the minority of the committee be printed for the use of the House, and that the reports and substitute bills be made special order for 11 o'clock A. M. of Tuesday, March 4, 1873.

Mr. Fox moved as a substitute that the substitute bills be ordered engrossed for a third reading and be made special order for 11 o'clock and 30 minutes A. M. on the morrow.

After discussion.

Mr. Reid asked and obtained leave to with-

draw his motion.

When,

Mr. Pindall moved that the report of the minority of the committee be adopted.

Mr. Thornburg moved as a substitute that the whole matter be postponed until 11 o'clock A.M. of Wednesday, March 5, 1873.

Mr. Sumpter asked for the yeas and nays.

The question being put,

It was decided in the negative, yeas 30, nays 31.

The yeas and nays being demanded by five members.

Those who voted in the affirmative are:-

Messrs.

Berry, J. H.,
Bickenthal,
Blandaud,
Chandler,
Crowley,
Cate,
Ennis,
Eagle,
Foster,
Gilbreath,
Jessett,
Hynds,
Harley,
Joyner,
Lynn,

Messrs.

McAfee,
Merritt,
Mayberry,
Mitchell,
Preston,
Pindall,
Reid,
Sumpter,
Thomas,
Thomason,
Tilbar,
Thornburg,
White,
Walker,
Wright.

Those who voted in the negative are:-

Messrs.

Berry, G. E.,
Brown, Neal
Bynum, Chas. F.
Chapline,
Copeland,
Dare,
Fox,
Fairbanks,
Gibson,
Hankins, A. M.
Hankins, Noah.
Harris,

Messrs.

Kent.
Murphy, Wm.
McLeod,
Marshall,
Miller,
Renfro,
Robinson,
Sharpe,
Spears,
Stephenson
Storey,
Stewart,

Messrs.

Joslyn,
Johnson, Adam
Johnson, J. H.
Kingston,

Messrs.

Warnick,
Wheat,
The Speaker.

So the motion to postpone was not agreed to

The question then recurring on the motion that the minority report of the committee be adopted,

Mr. Shorter moved as a substitute that the further consideration of the subject be postponed and made special order for 11 o'clock A.M. of Tuesday, March 4, 1873.

Which was not agreed to.

The question again recurring on the motion that the minority report of the committee be adopted,

Mr. J. H. Berry moved as a substitute that the further consideration of the subject be postponed and made special order for 11 o'clock A.M. of Monday, March 3, 1873.

Mr. Cate asked for the yeas and nays.

The question being put.

It was decided in the negative,—yeas 29, nays 33.

The yeas and nays being desired by five members,

Those who voted in the affirmative are:

Messrs.

Begardsley,
Bridenthal,
Chandler,
Conley,
Cate,
Erwin,
Eagle,
Foster,
Gilbreath,
Hazzett,
Hynds,
Harley,
Hyphen,
Lynn,
Latta,

Messrs.

McLemore,
Matheny,
Mitchell,
Preston,
Pindall,
Reid,
Sumpter,
Thomas,
Thomason,
Tilbar,
Thornbury,
White,
Walker,
Wright,

Those who voted in the negative are:—

Messrs.

Berry, C. E.
Brown, Neal
Brown, Chas. F.
Chapline,
Cleveland,
Copeland,
Dare,
Fox,
Fairbrook,
Grissom,
Hankins, A. M.
Hankins, Marcus
Davis,
Joslyn,
Johnson, Adam
Johnson, J. M.
Kingston,

So the motion to postpone was not agreed to.

Mr. Bate, at 1 o'clock and 4 minutes P. M. moved that the House adjourn and asked for the yeas and nays.

The question being put,

It was decided in the negative, — yeas 31, nays 35;

The yeas and nays being desired by five members.

Those who voted in the affirmative are:—

Messrs.

Berry, J. M.
Brickenthal,
Chandler,
Chapman,
Crowley,
Cate,
Dunn,
Eagle,
Fisher,
Gilbreath,
Hazlett,
Hynds,
Harley,
Joyner,
Lynn,

Messrs.

Kent,
Murphy, Wm.
Mc Leod,
Marshall,
Mazette,
Millsaps,
Rawlins,
Robinson,
Sheppard,
Speas,
Shipperson,
Strong,
Stewart,
Warwick,
Wheat,
Joe Speaker.

Messrs.

Latta,
Mobley,
Mabry,
Mitchell,
Preston,
Pindall,
Reid,
Robertson,
Sumpter,
Thynn,
Thomason,
Tillar,
Tunstall,
Walker,
Wright,

Those who voted in the negative are:-

Messrs.

Berry, C. E.
Bjorn, Neal
Bjorn, Chas. F.
Chapline.
Cleveland.
Copeland.
Davis.
Fox.
Fyfe-Rush.
Grimm.
Hankins, B. M.
Hankins, Monroe.
Harris.
Jorlyn.
Johnson, Adam.
Johnson, J. M.
Livingston.
Kent.

So the House refused to adjourn.

The question then being on the motion that the minority report of the committee be adopted.

Mr. Fox moved as a substitute that the minority report of the committee be rejected, and moved the previous question thereon, which was seconded and the main question ordered, viz:- Shall the minority report of the committee be rejected?

Mr. Pindall asked for the yeas and nays.

The question being put.

It was decided in the affirmative, - yeas 34, nays 29.

The yeas and nays being desired by five members.

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Bjorn, Neal
Bjorn, Chas. F.
Chapline.
Cleveland

Messrs.

Kent.
Murphy, Jno.
McLeod.
Marshall.
Merritt.
Mullins.
Robinson.
Shapkaw.
Shaw.
Shepherson.
Strong.
Stewart.
Warwick.
White.
Wheat.
The Speaker.

Messrs.

Copeland,
Davis,
Fox,
Frybush,
Grieve,
Hankins, A. M.
Hankins, Moses,
Hare,
Joslyn,
Johnson, Solon
Johnson, J. M.
Kingston,

Messrs.

Miller,
Rawlins,
Robinson,
Sharpsteen,
Spears,
Stephenson,
Shepherson,
Strang,
Stewart,
Warnick,
Wheat,
The Speaker.

Those who voted in the negative are:-

Messrs.

Berry, J. M.
Breidenthal
Chandler,
Chapman,
Crowley,
Cate,
Ennis,
Eagle,
Gilbreath,
Gazett,
Hynds,
Harley,
Haynes,
Lyons,
Latta,

Messrs.

McGehee,
Matheny,
Mitchell,
Preston,
Pindall,
Reid,
Sumpter,
Thomas,
Thomason,
Tilden,
Thompson,
White,
Walker,
Wright.

So the minority report was rejected.

Mr. Fox moved that the majority report of the committee be adopted and moved the previous question thereon, which was seconded, and the main question ordered, viz:- Shall the majority report be adopted?

Mr. Pindall asked for the yeas and nays.

The question being put,

It was decided in the affirmative,- yeas 37, nays 30.

The yeas and nays being decided by five members,

Those who voted in the affirmative are:-

Messrs.

Berry, G. E.
Brown, Neal
Brown, Chas. F.
Chapline,
Corbell,
Cleveland,
Copeland,
Davis
Fox,
Fredrich
Grissom,
Hankins, A. M.
Hankins, Marion
Harris,
Jarlyn,
Johnson, Adam
Johnson, J. M.
Kinigelow,
Kent,

Messrs.

Murphy, J. M.
Murphy, Wm.
Mc Lord,
Magehall,
Merritt,
Miller,
Rankins
Rufner,
Sharpard,
Spears
Stephenson,
Shepherson,
Strong,
Stewart,
Warwick,
White
Wheat,
The Speaker,

Those who voted in the negative are:-

Messrs.

Berry, J. M.
Bordenthal,
Chandler,
Chapman,
Crowley,
Cate,
Erwin,
Eagle
Foster,
Gilbreath,
Garrett,
Hynds,
Hanley,
Joyner,
Lynn

Messrs.

Latta,
McKehee,
Matheny,
Mitchell,
Preston,
Pindall,
Reid,
Robertson,
Sumpter,
Thorn
Thurman,
Tilden,
Thornbury,
Walker,
Wright,

So the majority report was adopted, and the substitute bill recommended by the majority was accordingly adopted, in lieu of the original bills,

Mr. Kent moved that the bill be ordered engrossed and made special order for 10 o'clock and 20 minutes P. M., on the morrow.

Mr. Bate moved as an amendment that the consideration of the bill be postponed until 10 o'clock and 20 minutes P. M. of Tuesday, March 4, 1873.

Mr. Sumpter moved as a further amendment that the consideration of the bill be postponed until 11 o'clock P. M. of Thursday, March 6, 1873.

Mr. J. H. Murphy moved that the bill be amended by inserting the words "That no convicts be allowed to work outside the penitentiary walls."

Mr. Miller moved that the bill lie on the table and be made special order for 11 o'clock P. M. on the morrow.

Mr. Bate moved as an amendment that the consideration of the bill be postponed and made special order in the Committee of the Whole House for 10 o'clock and 20 minutes P. M. of Tuesday, March 4, 1873.

Mr. Kent moved as a substitute that the further consideration of the bill be postponed and made special order for 10 o'clock and 30 minutes P. M., on the morrow

Mr. Sumpter moved as an amendment to the substitute motion that the consideration of the bill be postponed until 10 o'clock and 30 minutes P. M., of Wednesday, March 5, 1873, and asked for the yeas and nays.

The question being put,

It was decided in the negative, - yeas 30, nays 37,

The yeas and nays being desired by five members,

Those who voted in the affirmative are:-

Messrs.

Berry, J. H.,
Blidenthal,
Chandler,
Chapman,
Conley,
Cox,
Erwin,
Eagle,

Messrs.

McVeigh
Matheny,
Mitchell,
Preston,
Pindall,
Reid,
Sumpter,
Thomas,

Messrs.

Foster,
Gilbreath,
Hynds,
Harley,
Joyner,
Lynn,
Latta,
McIlvee,

Messrs.

Thomason,
Tillman,
Thrasher,
White,
Walker,
Wright,

Those who voted in the negative are:-

Messrs.

Berry, C. E.
Brown, Neal
Brown, Chas. F.
Chaplin,
Cobb,
Cleveland,
Copeland,
Davis,
Fox,
Funderburk,
Garrett,
Grisson,
Hankins, A. M.
Hankins, Mason
Harris,
Joslyn,
Jolly, Adam
Johnson, J. M.
Kinghorn,

Messrs.

Kent,
Murphy, J. M.
Murphy, Wm.
McLeod,
Marshall,
Meeks,
Miller,
Rankins,
Robinson,
Sharpard,
Spears,
Stephenson,
Shepherson,
Strong,
Stewart,
Warwick,
Wheat,
The Speaker,

So the motion was not agreed to.

The question then recurring on the motion that the further consideration of the bill be postponed and made special order for 10 o'clock and 30 minutes P. M., on the morrow,

It was agreed to,

Mr. Furbush moved that the rules be suspended and that he be allowed to introduce a bill,

Which was not agreed to (two-thirds of the members present not voting therefor)

And then

On motion of Mr. McGehee,
The House at 1 o'clock and 36 minutes P.M.,
adjourned,

Attest

Speaker.

Clerk.

Saturday, March 1, 1873

The roll being called it appeared that the following named members were present and answered to their names:—

Messrs. C. E. Berry, J. H. Berry, Neal Brown, Chas. F. Brown, Briden Thal., Chaplin, Corbell, Cleveland, Crit, Copeland, Chandler, Chapman, Crowley, Davis, Ermin, Eagle, Fox, Faubush, Foster, Gilbreath, Garrett, Griscom, Hannon Hawkins, Hynds, Harley, Jolyn, Adam Johnson, J. H. Johnson, Kingston, Kent, Lee, Mann, Murphy, McLeod, Marshall, McGehee, Merritt, Matheny, Mitchell, Preston, Pindall, Rawlins, Reid, Robertson, Robison, Sarber, Shipley, Spear, Stephenson, Shepherson, Story, Sumpter, Stewart, Turner, Thorne, Thurman, Tilman, Hamburg, White, Wheat, Walker Wilbanks, Wright, The Speaker.

Prayer by the chaplain.

The Journal of Friday was read and adopted.

Under a suspension of the rules for that purpose,

On motion of Mr. Bridenthal

The House passed to the consideration of the substitute for the bill of the House (Sub. No. R. 73) entitled An act to encourage the breeding and raising of fine horses and mules.

Which was read a second time.

Read.

On motion of Mr. Bridenthal,

Ordered, That the bill be engrossed for a third reading and be made special order subject to the call of the House,

By unanimous consent

On motion of Mr. Kent

The leave of absence heretofore granted to Hon. R. F. Page was extended until Monday,

March. 3 1873.

Under a suspension of the rules for that purpose.

Hon. Barber introduced a bill (H.R.229) entitled An act to define and establish the boundary line between the counties of Yell and Barber.

By unanimous consent.

Under a suspension of the rules,

The bill was read a first and second time by title, and

On motion of Hon. Barber,

Ordered, That the bill lie on the table subject to the call of the House.

Under a suspension of the rules for that purpose.

Hon. Dunbush introduced a bill (H.R.226) entitled, An act to create the county of Coolidge and for other purposes.

By unanimous consent

Under a suspension of the rules

The bill was read a first and second time by title and referred to the Committee on Counties and County Lines.

Hon. C. E. Berry from the select committee appointed to inquire into the cause and origin of the late troubles in Pope county and to report what steps are necessary to be taken to restore peace and good order in that county, submitted as a privileged question, the following report which was read, viz:-

Mr. Speaker:- Your committee appointed to investigate the cause and origin of the late troubles in Pope county, beg leave to report that their proceedings have been interrupted by a continuances witness one Henderson Brooks.

Said Henderson Brooks has been duly summoned by your committee, and return of which has been duly made in accordance with the law governing such cases, Said witness declared at the time of service that he would not attend before said committee without compulsory process, and several days have elapsed since said witness has had due time to respond to

the summons of the Committee.

Your Committee therefor respectfully ask this House to order such process as will compel the attendance of said witness befor said committee, or an attachment,

On motion of Mr. Chaplin

Ordered, That an attachment signed by the Speaker and attested by the Clerk of the House issue against Henderson Brooks for his attendance before such committee.

Under a suspension of the rules for that purpose

Mr. Fox from the Committee on the Judiciary, to whom was referred the bill of the House (H.R. 144) entitled An act to provide for the filling of vacancies in certain offices, reported the same and recommended its passage, Mr. Pindall and Mr. Thomas dissenting from the majority of the committee.

Mr. Fox moved that the bill be engrossed for a third reading and be made special order for 11 o'clock A.M. of Tuesday, March 4, 1873.

Mr. A. M. Hawkins moved that the bill be amended by inserting after the words "county offices", the words "& township offices"

Pending which,

The hour of 10 o'clock and 30 minutes A.M. having arrived, being the hour set for the consideration of the substitute for the bill of the House (Sub. H.R. 144) entitled An act to provide for the leasing and future management of the state penitentiary,

On motion of Mr. Fox,

The consideration of the special order was postponed until 11 o'clock and 30 minutes, A. M.

When,

Mr. J. M. Berry moved that the bill be further amended by striking out all of section 1 after the word "Governor" and inserting in lieu thereof the words "shall order an election in such county to fill the vacancy."

Mr. Sumpter asked for the yeas and nays.

Before the roll was called.

On motion of Mr. J. M. Johnson,

Ordered, That the bill and pending amendment lie on the table subject to the call of the House.

Also, from the same committee, to whom was referred the bill of the House (H. R. 75) entitled An act to repeal an act entitled an act to regulate the labor system in this state, reported the same and recommended its passage.

Also, from the same committee, to whom was referred the bill of the House (H. R. 145) entitled An act to exempt persons on a certain age from paying poll tax, reported the same with the recommendation that the bill be not passed.

Also, from the same committee, to whom was referred the bill of the House (H. R. 137) entitled An act to provide for the administration of copartnership estates, reported the same and recommended its passage.

Also, from the same committee, to whom was referred the bill of the House (H. R. 146) entitled An act to amend an act to amend chapter 69 of Gould's Digest, approved July 23, 1868, reported the same with the recommendation that the bill be not passed.

Also, from the same committee, to whom was referred the bill of the House (H. R. 170) entitled An act to revive the first clause of the first proviso of the fourteenth section of an act approved January 1, 1861, entitled An act for the incorporation of Augusta, as amended by an act approved March 20, 1867, entitled an act to amend the fourteenth section of an act approved January 1, 1861, entitled An act for the incorporation of the city of Augusta, reported the same and recommended its passage.

Also, from the same committee, to whom was referred the bill of the House (H. R. 178) entitled An act to amend an act entitled an act to regulate the practice in the matter of exemption of property from execution on final process reported the same and recommended its passage.

By unanimous consent,

Mr. Fox, Chairman of the Committee on the Judiciary, introduced a bill (H. R. 227) entitled An act defining the power and regulating the duties of guardians, curators and wards.

By unanimous consent,

Under a suspension of the rules.
The bill was read a first and second time by title, and

On motion of Mr. Latta,
Ordered, That the bill be engrossed for a third reading and be made special order for 11 o'clock A. M. of Thursday, March 6, 1873.

By unanimous consent.
Mr. Preston introduced a memorial (H. Mem. 7) a memorial to the Congress of the United States, asking the improvement of the navigation of White River at Little Island.

By unanimous consent.
Under a suspension of the rules.
The memorial was read a first and second time by title, and
On motion of Mr. J. H. Johnson,
Ordered, That the memorial lie on the table and be made special order for 10 o'clock and 30 minutes A. M., of Friday, March 4, 1873.

Mr. Britt from the Committee on Engrossed Bills reported a joint resolution and several bills (H. Jt. Res. 13, H. R. 43, H. R. 69, H. R. 114, H. R. 206, Sub. H. R. 30, H. R. 162, H. R. 153, Sub. H. R. 160, H. R. 188, and H. R. 203) correctly engrossed.

The hour of 11 o'clock A. M. having arrived,
The House proceeded to consider the special order set for that hour being the consideration of the substitute for the bill of the House (Sub. H. R. 30) entitled An act to authorize the county court of Benton county to appoint an Internal Improvement Commissioner for Benton county.

Which was read a third time.
And,
On motion of Mr. Keigwin,
Ordered, That the bill be placed upon its passage.

The question being put, Shall the bill pass?
It was decided in the affirmative, — yeas 60, nays 1, not voting 21.

Those who voted in the affirmative are:—
Messrs. Berry, J. H., Messrs. Lee,

Messrs.

Brown, Neal
Brown, Chas. E.
Bridenthal
Cleveland,
Cort,
Copeland,
Chandler,
Chapman,
Crowley,
Cate,
Ennis,
Eagle,
F. H.
Funtush,
Foster
Gilbreath,
Gossett,
Grissom,
Hawkins, A. M.
Hawkins, Messrs
Harris,
Hughes,
Harley,
Jordan,
Johnson, Adgm
Johnson, J. M.
Joyner,
Kingston,
Kent,

Messrs.

Latta,
Murphy, J. M.
Murphy, Chas.
McLeod,
McPhee,
Merritt,
Matheny,
Mitchell,
Preston,
Pindall
Rawlins,
Reid,
Robertson,
Robinson,
Shapard,
Shepperson
Stephenson
Strong,
Sumpter
Stewart,
Turner,
Thomason,
Tillar,
Thornburg,
White,
Wheat,
Walker,
Wright
The Speaker

Voting in the negative are:—

Mr. Spears.

Those absent or not voting are:—

Messrs.

Berry, C. C.
Brickley,
Bagley,
Chapline,
Corbell,
Cunningham,
Davie,
Gist,

Messrs.

Hollen,
McVeigh,
Nunn,
Page,
Parrish,
Sayers,
Shrigley,
Thomas,

Messrs. Hawkins, O. S. Lynn, Marshall.

Messrs. Merrick, Williams.

So the bill was passed.

On motion of Mr. J. H. Berry.

The title of the bill was amended to read:- An act to authorize the county courts of the several counties to appoint internal improvement commissioners.

A message from the Senate by Mr. Orrick, their secretary, viz:-

Senate Chamber, Feby 28, 1873

Mr. Speaker: I am instructed by the Senate to inform your honorable body of the passage of (H. B. No 91) entitled A bill to be entitled An act to amend an act to prevent the sale of spirituous liquors within two miles of Mountain Home Male and Female Academy in Marion county and Three Creeks' Female Institute in Lewis county Acts approved January 19, 1861, and herewith return the same; also (S. Joint. Rs. No 8) joint resolution asking for Mail Line from Carrollton to Shreveport, also (H. Mem. No 6) A memorial to the Postmaster General of the United States to extend mail service on Route No 7567, from weekly to tri-weekly - and here with transmit the same.

I am also instructed by the Senate to inform your honorable body of the passage by the Senate of (S. B. No 99) entitled A bill to be entitled an act to legalize subscription made by the city of Price Bluff, Jefferson county Ark Terr, to the Price Bluff Gas Company, and herewith transmit the same for your favorable consideration; and also (H. B. No. 90,) entitled (a bill to be entitled An act to repeal sections 6, 7, 8 and 9 of an act to incorporate the trustees of Hillsboro Male and Female Academy, and to prevent the sale of spirituous liquors within three miles of the town of Hillsboro, approved March 10, 1861, and herewith return the same.

Under a suspension of the rules for that purpose,

Mr. Neal Brown introduced a bill (H. R. 228) entitled An act to amend an act entitled an act giving all laborers a lien upon the production of their labor until the same is paid, approved July 25, 1868.

Which was read a first time,

By unanimous consent,

Under a suspension of the rules,

The bill was read a second time by title, and

On motion of Mr. Neal Brown,

Ordered, That the bill be engrossed for for a third reading and be made special order for 11 o'clock and 30 minutes A. M., of Monday March 3, 1873.

Under a suspension of the rules for that purpose

On motion of Mr. Copeland

The House proceeded to consider the bill of the House (H. R. 206) entitled An act to provide for the payment of fees due registers and receivers of United State Land Offices for locating, posting, listing and certifying to the State lands granted thereto under the several acts of Congress.

Which was read a third time, and placed upon its passage,

The question being put, Shall the bill pass?

It was decided in the affirmative, — yeas 57, nays 10, not voting 15.

Those who voted in the affirmative are:—

Messrs.

Berry, C. E.
Brown, Neal
Brown, Chas. F.
Bridenthal,
Chaplin,
Cobell,
Cleveland,
Coit,
Copeland,
Chandler,
Cate,
Davis,
Ewing,

Messrs.

Lynn,
Latta,
Murphy, J. M.
Murphy, Wm.
McLeod,
Marshall,
McKenzie,
Merritt,
Miller,
McKnight,
Matthews,
Mitchell,
Preston,

Messrs.
Eagle,
Fox,
Foster,
Gilbreath,
Grigsby,
Hankins, Ark.
Hankins, Miss.
Harris,
Hynds,
Jolly,
Johnson, Adams
Johnson, J. K.
Joyner,
Kingston
Knight,
Lee,

Messrs.
Rogers,
Reid,
Robinson,
Spears,
Stephenson,
Shepperson,
Strong,
Stewart,
Turner,
Thyson,
Thornberry,
Wheat,
Williams,
Wright,
The Speaker.

Those who voted in the negative are:—

Messrs.
Berry, J. H.
Chrisman,
Gossett,
Hurley,
Robertson,

Messrs.
Swingle,
Thompson,
Tillar,
White,
Walker.

Those absent or not voting are:—

Messrs.
Beardsley,
Beasley,
Crumley,
Cunningham,
Funderburk,
Hart,
Hankins, O. S.
Hagaman,

Messrs.
Page,
Pindall,
Parrish,
Sayers,
Shipley,
Sheppard,
Warwick

So the bill was passed.

Mr. Copeland moved that the vote just taken be reconsidered, and, also, moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

By motion of Mr. Hollen

The House passed to the consideration of the special order fixed pursuant 11 o'clock and 30

amendments H. No., being the consideration of the substitute for the bill of the House (Sub. H. B. 944) entitled An act to provide for the leasing and future management of the state penitentiary.

Which was read a second time,

Mr. Gate moved that the House resolve itself into the Committee of the Whole House for the further consideration of the bill.

Which was not agreed to

Mr. J. M. Murphy moved that the bill be amended by adding to section 2 the following words "Provided, That said convicts shall not be worked inside the corporate limits of the city of Little Rock or pass through said city to or from their work as brick-makers outside of said city limits"

Mr. Pindall asked for the yeas and nays.

The question being put,

It was decided in the affirmative,—yeas 36, nays 32.

The yeas and nays being demanded by five members.

Those who voted in the affirmative are:—

Messrs.

Brown, Neal
Chaplin,
Corbell,
Cleveland,
Coit,
Copeland,
Dare,
Faubush,
Grissom,
Hawkins, A. M.,
Hawkins, Brown,
Harris,
Joslyn,
Johnson, Adam
Johnson, J. M.,
Joyner,
Kingston,
Kirk,
Lee,
Murphy, J. M.,
Murphy, Wm.
McLeod,
Marshall
Miller,
Rambin,
Robinson,
Saber,
Stephenson,
Shepherson,
Strong,
Stewart,
Turner,
Warwick,
Wheat,
Williams,
The Speaker

Those who voted in the negative are:—

Messrs.

Berry, C. E.,
Berry, J. H.,
Blydenthal,
Chandler,
Chapman,
Crowley,
Cate,
Erwin,
Eagle,
F. L.,
Gilbreath,
Hazell,
Hynds,
Hagler,
Lyon,
Latta,

Messrs.

Mackey,
Merritt,
Montgomery,
Mitchell,
Preston,
Pindall,
Reid,
Spears,
Snyder,
Thurman,
Thomason,
Tolson,
Trimble,
White,
Walker,
Wright,

So the amendment was agreed to.

Pending the vote,

Mr. Warwick (when his name was called) sent to the clerk's desk, in explanation of his vote, a memorial from the Mechanics and Laboring Men's Association of the city of Little Rock, Pulaski county, Arkansas, for an amendment to the present law for the management of the penitentiary, providing that convicts shall not be used or worked outside the prison walls.

The vote was then announced as above.

On motion of Mr. J. H. Johnson,

Ordered, That the bill be read and considered by sections, as in the Committee of the Whole House,

Section 1, was read.

And,

On motion of Mr. Kent,

The section was amended by inserting in line 8, before the word "provided", the words, "and no court of inferior jurisdiction, or judge of the supreme court in chambers shall have jurisdiction to hear or determine any complaint

to issue any process or order in favor of any pretended lease of said penitentiary for a term longer than two years."

Section 2 was read.

Mr. Sumpter moved that the section be amended by striking out in line 4 the word "two" and inserting in lieu there of the word "four".

Which was not agreed to.

Mr. Walker moved that the section be amended by inserting in line 5 after the words "and best" the words "or highest."

Which was not agreed to.

Mr. Thornburg moved that the section be amended by striking out in line 4 the word "two" and inserting in lieu thereof the word "six".

Mr. Sumpter moved that the motion to amend be amended by striking out the word "six" and inserting in lieu thereof the word "six"

Which was not agreed to.

The question then recurring on the motion that the section be amended by striking out in line 4 the word "two" and inserting in lieu thereof the word "six"

Pending which.

On motion of Mr. Kingston.

The section was adopted without amendment.

Section 3 was read.

Mr. J. H. Berry moved that the bill be amended by striking out the words "the President of the Senate and Speaker of the House of Representatives" wherever they occur in the bill and inserting in lieu thereof the words "the Governor, State Treasurer and Superintendent of the Penitentiary."

Mr Dillon asked for the yeas and nays,

The question being put,

It was decided in the affirmative, yeas 34, nays 33,

The yeas and nays being desired by six members,

Those who voted in the affirmative are:-

Messrs.

Berry, J. M.
Bridenthal
Cottell,
Chandler,
Chapman,
Crowley,
Cate,
Eagle,
Fox,
Foster,
Gilbreath,
Garrett,
Hayden,
Harley,
Jaslyn,
Joyner,
Lyon,
Lotta,
Mackey,
Merritt,
Preston,
Pruden,
Reed
Stying,
Swindell,
Thomas,
Thomas,
Tillery,
Whitley,
Wheat
Walker
Wright
Weatherly.

Those who voted in the negative are:-

Messrs.

Brown, Neal
Brown, Chas. F.
Chapline,
Cleveland,
Cox,
Copeland,
Erwin,
Fambrough,
Gwynn,
Hankins, A. M.
Hankins, Mason,
Harris,
Johnson, Adam
Johnson, J. M.
Kingston,
Kent.
Lee,

Mowbray, J. M.,
Mowbray, Wm.,
McLeod,
Marshall,
Miller,
Mitchell,
Rawlings
Saber,
Shipley,
Stephenson,
Shepperson,
Stewart,
Turner,
Warwick,
Williams,
The Speaker.

So the amendment was agreed to;

Further amendments having been sent to the clerk's desk,

Mr. J. M. Johnson moved that the bill be

recommitted to the Committee on the Penitentiary, together with the pending amendments.

After debate.

Mr. Chaplin moved the previous question which was seconded and under the operation thereof the motion was disagreed to.

Mr. Reid moved that the bill as amended be engrossed for a third reading and be made special order for 11 o'clock and 30 minutes P. M. of Monday, March 3, 1873.

Pending which,

Mr. Sayler at 1 o'clock and 4 minutes P. M., moved that the House adjourn.

Mr. Sumpter asked for the yeas and nays,

The question being put,

It was decided in the negative, - yeas 30, nays 37,

The yeas and nays being desired by five members,

Those who voted in the affirmative are:

Messrs.

Berry, C. C.
Brideuthal
Cleveland
Ennis,
Eagle,
Firebush,
Frizzell,
Hankins, A. K.
Hankins, Thomas
Harris,
Johnson, Adam
Johnson, J. H.
Kingston,
Kelly,
Murphy, J. M.

Those who voted in the negative are:

Messrs.

Mountjoy, Geo.
McLeod,
Marshall,
Mayhew,
Rankin,
Robinson,
Sarber,
Stephenson,
Shepherd,
Sting,
Stewart,
Symmes,
Trammell,
Wilkinson,
The Speaker,

Those who voted in the negative are:

Messrs.

Berry, J. D.,
Bynum, Neal
Bynum, Chas. F.
Chaplin,

Messrs.

Lee,
Lynn,
Latta,
McClure,

Messrs.
Bell,
Copeland,
Chandler,
Chapman,
Crowley,
Daly,
Davis,
Fox,
Foster,
Gilbreath,
Gozzett,
Hynds,
Manley,
Jordan,
Joyner,

Messrs.
Merritt,
Mathewy,
Mitchell,
Preston,
Pindall,
Reid,
Sumpter,
Thomason,
Tillman,
Thornburg,
White,
Wheat,
Walker,
Wright.

So the House refused to adjourn.

Mr. Miller at 10 o'clock and 10 minutes P.M., moved that the House adjourn until 9 o'clock A.M. of Monday, March 3, 1873, and called for the year and nays.

The question being put,

It was decided in the negative, — year 31, nays 39.

The year and nays being desired by five members,

Those who voted in the affirmative are:-

Messrs.
Berry, R. E.
Chapline,
Corbett,
Dail,
Copeland,
Davis,
Dunbush,
Grissom,
Hawkins, A. H.,
Hawkins, Thomas
Davis,
Johnson, Bolgan
Johnson, D. A.,
Pridgeon,

Messrs.
Murphy, Wm.
Mc Lord,
Marshall,
Miller,
Perkins,
Robinson,
Sarber,
Stephenson,
Shepherson,
Storey,
Stewart,
Turner,
Warrick
Williams

Messrs. Kent, Murphy, D. M.

Messrs. The Speaker,

Those who voted in the negative are:-

Messrs. Berry, D. M.
Bowen, Neal,
Brown, Chas. F.
Brideuthal,
Cleveland,
Chandler,
Chapman,
Comley,
Cate,
Cowan,
Eagle,
Fox,
Foster,
Filbrath
Gossett,
Hynds,
Harley
Jocelyn,
Joyner,
Lee,

Messrs.
Lyons,
Latta,
McIntee,
Merritt,
Montgomery,
Preston,
Pindall,
Reid,
Robertson,
Spears,
Sumpter,
Thayer,
Thomason,
Tillman,
Thornburg,
White,
Wheat,
Walker,
Wright,

So the House refused to adjourn until 9 o'clock A. M., of Monday, March 3, 1873.

Mr. Kingston moved that the bill be amended by inserting, after the words inserted on the motion of Mr. Thornburg, the words "said bills shall be placed in the presence of the General Assembly."

Mr. Sumpter asked for the yeas and nays.

Before the call of the roll,

Mr. Robinson at 1 o'clock and 18 minutes P. M. moved that the House adjourn.

Mr. McLeod asked for the yeas and nays.

The question being put,

It was decided in the negative, - yeas 27, nays 42.

The yeas and nays being desired by five members,

Those who voted in the affirmative are:-

Messrs.

Berry, C. E.
Chaplin,
Cox,
Copeland,
Davis,
Grissom,
Hankins, A. M.
Hankins, Monroe
Harris,
Joslyn,
Johnson, J. H.
Kingston,
Kent,
Murphy, J. M.

Messrs.

Murphy, Wm.
McLeod,
Marshall,
Millen,
Rayburn,
Robinson,
Shepherd,
Strang,
Stewart,
Turner,
Warnick,
Williams,
The Speaker.

Those who voted in the negative are:-

Messrs.

Berry, J. H.
Brown, Neal
Brown, Chas. F.
Bridenthal,
Corbell,
Cleveland,
Chandler,
Chapman,
Conley,
Cate,
Egan,
Eagle,
Fox,
Fairbanks,
Foster,
Gilbreath,
Garrett,
Haynes,
Harley,
Johnson, Adam
Lee,

Messrs.

Lyon,
Latta,
McGehee,
Merritt,
Matheny,
Mitchell,
Preston,
Pindall,
Reid,
Robertson,
Sarber,
Spears,
Sumpter,
Thurman,
Thompson,
Tillar,
Thornburg,
White,
Wheat,
Walker,
Wright,

So the House refused to adjourn,

The question being on the motion that the bill be amended by inserting, after the words "in the motion of Mr. Thornburg, the words "said bill

shall be spread in the presence of the General Assembly."

And
the question being put,
it was decided in the affirmative — yeas 63,
nays 13.

Those who voted in the affirmative are:

Messrs.

Berry, G. E.
Berry, J. H.
Bidenthal,
Chapline,
Cobell,
Cleveland,
Cox,
Chandler,
Chapman,
Crowley,
Davis,
Erwin,
Eagle,
Fox,
Fairbank,
Foster,
Gilbraith
Gossett,
Grimm,
Hawkins, A. M.
Hawkins, Monroe,
Harris,
Hynds,
Hadley,
Joslyn,
Kingston,
Lee,
Lynn,
Latta,
Memphy, J. M.
Memphy, Wm.
McLeod,
McGehee,
Merritt,
Mahaney,
Mitchell,
Preston,
Reid,
Robertson,
Robinson,
Spears,
Stephenson,
Sumpter,
Stewart,
Thomason,
Tillar,
Thornburg,
Warnick,
White,
Wheat,
Wright,
The Speaker.

Those who voted in the negative are:-

Messrs.

Bynum, Neal
Bynum, Chas. H.
Copeland,
Johnson, Adam
Kent
Marshall
Priddle
Sayre,
Shepherson,
Simon,
Thomas,
Walker.

Messrs.
Mr. Kelly,
So the amendment was agreed to:
Mr. Marlow, at 1 o'clock and 49 minutes P.M.,
moved that the House adjourn.
Mr. Shepherson asked for the yeas and nays.
The question being put,
It was decided in the negative - yeas 16, nays 40,
The yeas and nays being demanded by fifteen members.
Those who voted in the affirmative are:-

Messrs.
Berry, C. E.
Byron, Neal
Chapline
Davis
Gyzens
Hawkins, A. M.
Morris
Murphy, J. M.

Messrs.
McLeod,
Pindall,
Shepherson,
Young,
Stewart,
Summers,
Warwick,
The Speaker.

Those who voted in the negative are:-

Messrs.

Berry, J. H.
Brown, Chas. F.
Bridenthal,
Cortell,
Cleveland,
Chandler,
Chapman,
Crumley,
Cate,
Ervin,
Fox,
Foster,
Gilbreath,
Garrett,
Haynes,
Hanley,
Johnson, J. H.
Jaynes
Kingston,
Lee,

Messrs.

Lynch,
Latta,
Mackphee,
Marlow,
Matheny,
Mitchell,
Preston,
Reid,
Sanders,
Spears,
Stephenson,
Sumpter,
Turner,
Thomason,
Tilton,
Thornburg,
White,
Wheat,
Walker,
Wright,

So the House refused to adjourn,

Before the vote was announced
Pending the ennuding of the ballot
On motion of Hon. Cate,
Ordered, That the vote be retaken.
The roll being again called,
The vote was then announced as above.

Pending the suggestion of further amendments
On motion of Hon. Chapleau,
Ordered, That there be a call of the House.
The roll being called it appeared that the following named members were absent without leave, viz:-

Messrs. C. E. Berry, Chas. F. Brown, Chapleau, Corbell, Cott, Copeland, Eagle, A. McKeurkins, Harris, Joslyn, Adam Johnson, J. McJohnson, Kingston, Kent, Lee, J. McMurphy, Wm. Murphy, Marshall, Merritt, Millen, McCraig, Parish, Rankin, Robertson, Robinson, Sarbe, Sharpsaul, Stephenson, Williams.

A quorum of the House being present.

Hon.
On motion of Hon. Fox,
The House, at 2 o'clock and 12 minutes P. M. adjourned until 10 o'clock A. M., of Monday, March 3, 1873.

Approved

Speaker.

Attest

Clerk.

Monday, March 3, 1868.

The roll being called it appeared that the following named members were present and answered to their names, viz:-

Messrs. C. E. Berry, J. McBerry, Neal Brown, Chas F. Brown, Bailey, Bidenthal, Chapleau, Corbell, Copeland, Cott, Copeland, Chandler, Chapman, Cate, Ennis, Eagle, Fox, Fairbairn, Fortier, Grist, Hilbreath, Harriott, Grierson, Morris Hamilton, Harris, Haynes, Hartley, Joslyn, J. McJohnson, Adam Johnson

Joynes, Kent, Lee, Lyric, Latta, Mr. Murphy, McLeod, Mc-
Nutt, Miller, McVeigh, Matheny, Mitchell, Preston, Pindall,
Rankins, Reid, Robertson, Robinson, Sauber, Shipley,
Shepard, Spears, Stephenson, Shepperson, Strong, Stuart,
Thomas, Thompson, Tilson, Thornburg, White, Wheat, Walker,
Williams, Wright, The Speaker.

Prayer by the Chaplain.

The journal of Saturday was read and approved.

On motion of Mr. Corbell.

Leave of absence was granted, Mr. Joseph Cleveland for 7 days.

On motion of Mr. Williams

Hon was excused for the time he was absent after the expiration of the leave heretofore granted him.

Under a suspension of the rules for that purpose

Mr. Miller moved that a committee of three with the Speaker of the House, be appointed to report by bill or otherwise such measure as will reduce the expenses and improve the financial condition of the state, said committee to be composed of members of opposite parties in the proportion of seven to five and all reports of said committee shall take precedence of all other business

Mr. Fox moved that the motion be so amended as to provide that the committee be selected by ballot.

After debate,

Mr Chaplin moved the previous question, which was seconded, and under the operation thereof the amendment was disagreed to.

The question then recurring on the original motion.

After further debate,

Mr. Chaplin moved the previous question which was seconded and under the operation thereof the motion was agreed to.

Mr. Coit, in accordance with previous notice, moved a reconsideration of the vote by which the House laid on the table the joint resolution of the House (H. Jt. Res 15) a joint resolution providing for the appointment of a joint committee to examine into the transactions in the office of the

Treasurer of State.

Pending the consideration of the motion,

The hour of 11 o'clock and 30 minutes having arrived, being the hour set for the consideration of the bill of the House No. 845 entitled An act to regulate the sale of wines, spirituous, mixed or malt liquors within this state,

On motion of Mr. Mellen,

Ordered, That the consideration of the special order be postponed until 12 o'clock M.,

The House resumed the consideration of the motion to reconsider,

After debate,

Mr. Neal Brown moved that the motion to reconsider lie on the table,

Mr. Coit asked for the year and nays,

The question being put,

It was decided in the affirmative, — yeas 46, nays 13,

The year and nays being desired by five members,

Those who voted in the affirmative are:—

Messrs.

Berry, J. H.
Brown, Neal
Brown, Chas. A.
Bridenthal,
Cleveland,
Chandler,
Chapman,
Crowley,
Dane,
Ervin,
Eagle,
Fox,
Fairbrush,
Foster,
Gist,
Gilbreth,
Hazen,
Hain's,
Haynes,

Messrs.

Murphy, Wm.
McLeod,
McCrehen,
Merrill,
Meehan,
Mahany,
Mitchell
Preston,
Pingdall,
Rawlins,
Reid,
Spears,
Stephenson,
Strong,
Stewart,
Turner,
Thompson,
Tilden,
Thornbury,

Messrs.

Harley,
Jolley,
Johnson, J.M.
Lee.

Messrs.

White,
Wheat,
Walker,
Wright,

Those who voted in the negative are:-

Messrs.

Chapline,
Corbell,
Coit,
Copeland,
Cate,
Hawkins, Monroe,
Johnson, Adam.

Messrs.

Joyner,
McKee,
Robertson,
Robinson,
Shinn,
Williams.

So the motion to reconsider was laid on the table.

Under a suspension of the rules for that purpose,

On motion of Mr. Stewart,

Ordered, That the Superintendent of Public Instruction be requested to furnish each member of the House with a copy of the Amendatory school law of the state of Arkansas.

Under a suspension of the rules for that purpose,

Mr. Marshall gave notice of the introduction of a bill to be entitled An act creating a new county to be called — to be stricken off from the counties of Hempstead, Sevier and Pike.

Under a suspension of the rules for that purpose,

Mr. Shinn introduced a bill (H. R. 229) entitled An act to amend the code of civil practice.

By unanimous consent,

Under a suspension of the rules,

The bill was read a first and second time by title and referred to the Committee on the Judiciary.

Also a bill (H. R. 230) entitled An act to amend an act entitled Code of Practice in civil cases in Arkansas, approved June 22, 1868.

By unanimous consent,

Under a suspension of the rules,
The bill was read a first and second time by title and referred to the Committee on the Judiciary,
Under a suspension of the rules for that purpose,

On motion of Mr. Ennis
The House passed to the consideration of the bill of the House (H. R. 163) entitled An act to prevent sheriffs and collectors from selling land or returning persons and property as delinquent when taxes have been paid, and to punish the same,
Which was read a second time,
On motion of Mr. Ennis
Ordered, That one hundred and fifty copies be printed for the use of the House and that the bill be referred to the Committee of Ways and Means,
Under a suspension of the rules for that purpose,

Mr. C. C. Berry from the Committee on Counties and County Lines, to whom was referred the bill of the House (H. R. 109) entitled An act to define and establish the dividing line between the counties of Sarber and Scott returned the same without recommendation, with the report that the proposed change in the line would reduce Sarber county to less than six hundred square miles

Also from the same committee, to whom was referred the bill of the House (H. R. 177) entitled An act to define and establish the boundary line between the counties of Columbia and Nevada, reported the same and recommended its passage,

On motion of Mr. Reid,
Ordered, That the bill last reported be engrossed for a third reading and be made special order for 11 o'clock A. M., of Wednesday March 5, 1873,

Also, from the same committee, to whom was referred the bill of the House (H. R. 821 entitled An act to create a new county to be known and designated as the county of Shenandoah, and

for other purposes, reported the same and recommended its passage.

On motion of Mr. Eagle,

Ordered, That the bill last reported be engrossed for a third reading and be made special order for 11 o'clock A. M. of Friday, March 7, 1873.

On motion of Mr. Sabec,

Ordered That the special order postponed until 12 o'clock M. being the consideration of the bill of the House (H. R. 89) entitled An act to regulate the sale of vinous, spirituous, mixed or malt liquors within this state, be further postponed until 10 o'clock and 30 minutes A. M., on the morrow.

Under a suspension of the rules for that purpose,

Mr. Warrick from the Committee of Ways and Means, to whom was referred the bill of the House (H. R. 183) entitled An act to extend the time for payment of taxes for the year 1872, reported the same and recommended that the bill be amended by striking out in sections 1 and 2 the words "sixty" and inserting in lieu thereof the word "forty five."

The report of the committee was adopted, and,

On motion of Mr. Fox,

Ordered, That the bill be engrossed for a third reading and be made special order for 10 o'clock and 30 minutes A. M., of Wednesday, March 5, 1873.

The House proceeded under the regular order of business to consider the bill of the House (H. R. 70) entitled An act to revive the first clause of the first proviso of the fourteenth section of an act approved January 1, 1861, entitled An act for the incorporation of the city of Augusta, as amended by an act approved March 20, 1867, entitled An act to amend the fourteenth section of an act approved January 1, 1861, entitled An act for the incorporation of the city of Augusta.

Which was read a second time,

And,

On motion of Mr. J. H. Johnson

Ordered, That the bill be engrossed for

a third reading and be made special order for 11 o'clock A. M. of Wednesday, March 5, 1873.

On motion of Mr. Sarber,

The House proceeded to consider the bill of the House (No. R. 225) entitled "An act to define and establish the boundary line between the counties of Yell and Sarber,

Which was read a second time.

Mr. Sarber submitted a petition from forty-seven and 45 other citizens residing upon the territory taken from the county of Yell in the formation of Sarber county asking for the passage of this act.

Then,

On motion of Mr. Sarber,

Under a suspension of the rules,

The bill was read a third time and placed upon its passage,

The question being put, Shall the bill pass?

It was decided in the affirmative,—yeas 63, nays 1, not voting 18.

Those who voted in the affirmative are:—

Messrs.

Bezzy, J. M.,
Brown, Neal,
Brown, Chas. F.,
Bridenthal,
Chaplin,
Cleveland,
Copeland,
Chandler,
Chapman,
Cate,
Davis,
Ennis,
Eagle,
Fox,
Foster,
Gist,
Gilbreath,
Gossett,
Grisem,
Hankins, A. M.,

Messrs.

Marshall,
Mackelvee,
Merritt,
Miller,
Matheny,
Mitchell,
Preston,
Pindall,
Rainwater,
Reid,
Robertson,
Robinson,
Sarber,
Shipley,
Shapard,
Spears,
Stephenson,
Shepperson,
Strong,
Sandefur,

Messrs. Hawkins, Thomas
Harris,
Heyden,
Hanley,
Jordan,
Johnson,
Jeffries,
Lyons,
Latta,
Murphy, J. M.
Murphy, Wm.
MacLeod,

Voting in the negative,
Mr. Adams & Hanson,

Those absent or not voting are:-

Messrs. Kinsella,
Stewart,
Turner,
Thomas,
Tilden,
Thornburg,
White,
Wheat,
Walker,
Williams,
Wright,
The Speaker.

Messrs. Berry, G. E.
Beardsley,
Bearley,
Corbett,
Cort,
Crowley,
Cunningham,
Fairbanks,
Hartman,

Messrs. Kingston,
Kent,
Lee,
McVeigh,
Nunn,
Page,
Parish,
Shoup,
Warwick,

So the bill was passed.

The House proceeded to consider the bill of the House (H. R. 137) entitled An act to provide for the administration of co-partnership estates.

Which was read a second time.

On motion of Mr. Pindall,
Under a suspension of the rules,
The bill was read a third time and placed upon its passage,
The question being put, Shall the bill pass?
It was decided in the affirmative, - yeas 55, nays none, not voting 27.

Those who voted in the affirmative are:-

Messrs. Berry, J. M.
Bohm, Chas. F.
Bridenthal,

Messrs. Marshall,
McGehee,
Matheny,

Messrs.
Chaplin,
Cleveland,
Cox,
Copeland
Chaudler,
Chapman,
Crossley,
Cate,
Erwin,
Eagle,
Fox,
Furbush,
Foster,
Gist,
Gilbreath
Garrett,
Hopkins, Monroe
Harley,
Johnson, Adam
Johnson, L. H.
Joyner,
Kingston,
Lynch,
Latta,
Mumbey, J. M.
Murphy, Wm,

Mess.
Mitchell,
Preston,
Pindall
Rawlins,
Reid,
Robertson,
Robinson,
Shipley,
Shipland,
Stephenson
Shepperson
Strong,
Sumpter,
Thomas,
Thomason,
Tilden,
Trowbridge,
Wysocki,
White,
Walker
Williams
Wright,
The Speaker,

None voting in the negative;
Those absent or not voting are,—

Messrs.
Berry, G. E
Beardsley,
Bynum, Neal
Bagley,
Cottell,
Cunningham,
Davis,
Epison,
Hopkins, A. M.
Hopkins, C. S.
Hays,
Hayuds,

Messrs.
Lee,
McLeod,
Merritt,
Miller
Mobley,
Munn,
Page,
Parish,
Barber,
Spears,
Stewart,
Turner,

Messrs. Morse, Wheat,
Jorlyn,
Kent,

So the bill was passed,
Under the suspension of the rules for that purpose,
On motion of Mr. Chaplin,
The House passed to the order of business of reports of standing committees.

Then,

Mr. Chaplin, from the Committee on Public Expenditures, to whom was referred the bill of the Senate, 61 entitled An act for the relief of William E. Maxfield, reported the same and recommended its passage.

Also, from the same committee to whom was referred the resolution of the House instructing that committee to ascertain what disposition was made of the appropriation made by the last Legislature for the payment of the militia claims, submitted the following report thereon, which was read, viz:-

Mr. Speaker: Your committee, to whom was referred House resolution in regard to what disposition was made of the appropriation made by the last legislature for the payment of militia claims, beg leave to make the following report:

By an investigation of the report as made by the commissioner, we find that the amount appropriated has been paid out, and there still remains unpaid three hundred and twenty-four thousand, eight hundred and ninety-two dollars and fifty-three cents ($324,892.53), which amount we think is largely in excess of the real indebtedness. We would therefore recommend that a committee of five, consisting of three members of the House, and two of the Senate, be appointed to investigate and report, by bill or otherwise what amount should be appropriated for the settlement of said claims.

Mr. Marshall moved that the report of the committee lie on the table.

Which was not agreed to,
On motion of Mr. Pindall,
The report of the committee was referred

to the Committee on Claims. with instruction to extend the investigation.

Also from the same committee to whom was referred the bill of the House (H.R 217) entitled An act to aid the state board of education to have the common free school system of this state properly represented at the Vienna exposition to be held during the summer and autumn of 1873, reported the same with the recommendation of the majority of the committee that the bill be not passed, Mr. Chaplin and Mr. Green dissenting from the majority of the committee,

On motion of Mr. J. M. Berry

Ordered. That the bill be rejected.

By unanimous consent.

Mr. McIntee from the Committee on Education, introduced a bill (H.R. 231) entitled An act to amend an act entitled An act to authorize the Governor to appoint a state geologist to develop the mineral resources of the state of Arkansas and for other purposes, approved March 28, 1871,

Which was read a first time,

Mr. Reid moved that the bill be rejected.

After debate,

Mr. Reid asked and obtained leave to withdraw the motion to reject the bill,

On motion of Mr. Corbell,

The rules were suspended (two-thirds of the members present voting therefor) and

The bill was read a second time by title

Mr. Stewart moved that the bill be amended by striking out all that portion which refers to St. John's College and the trustees of that college and inserting in lieu thereof the words "State University"

Pending which,

After discussion,

Ordered. That the bill lie on the table subject to the call of the House,

Mr. McIntee, from the same committee, to whom was referred the bill of the Senate (S. 38) entitled An act to amend section two of an act entitled An act for the location, organization and maintenance of the Arkansas Indus-

trial University, with a normal department therein, reported the same and recommended its passage.

On motion of Mr. Barber,

Ordered, That the bill lie on the table and be made special order for 11 o'clock and 30 minutes, P. M., of Friday, March 7, 1873.

The Speaker (Mr. Bate in the chair) pro tempore in accordance with the previous instruction of the House appointed with the Speaker of the House, Messrs. H. A. Meiklejohn, W. L. Copeland, C. E. Berry, J. W. McLeod, W. J. Warwick, S. H. M. Stewart, M. H. Bate, M. H. C. Reid, C. Munro, H. Mc. Macleigh and J. H. Berry, as a select committee with instruction to report by bill or otherwise such measures as will reduce the expenses, and improve the financial condition of the state,

And then,

On motion of Mr. Barber

The House, at 2 o'clock P. M. adjourned.

Approved

Speaker.

Attest

Clerk.

Tuesday, March 4, 1873.

The roll being called it appeared that the following named members were present and answered to their names:-

Messrs: C. E. Berry, J. H. Berry, Neal Brown, Beasley, Bridenthal, Chaplin, Corbett, Cort. Copeland, Chandler, Chapman, Crowley, Cate, Ennis, Eagle, Funkhouser, Foster, Gilbreath, Gossett, Grissom, Hewins, Hawkins, Hays, Hyde, Harley, Joslyn, J. H. Johnson, Joyner, Kingston, Kent, Lee, Latta, Mrs. Murphy, McLeod, Marshall, Merritt, Meiklejohn, Matheny, Mitchell, Preston, Pindall, Rawlins, Reid, Robertson, Robinson, Barber, Shipley, Sharpard, Speas, Stephenson, Shepherd, Strong, Schuyler, Stewart, Thomason, Tilley, Thornburg, White, Walker, Williams, Wright, The Speaker,

Prayer by the Chaplain,

The Journal of Monday was read and approved.

A message from the Senate by Mr. Orick, their Secretary, viz:-

Senate Chamber, March 3rd 1873.

Mr. Speaker; I am instructed by the Senate to inform your honorable body of the passage by the Senate of (H. B. No 168) entitled An act to be entitled an act to cure defective conveyances, also of the passage of (Sub. for House B. No. 101) entitled An act to exempt ministers of the gospel from working on roads and highways and herewith return the same.

On motion of Mr. Hynds,

Leave of absence was granted Mr. J. F. Preston for six days.

Under a suspension of the rules,

Mr. A. M. Hawkins gave notice of the introduction of a bill to be entitled An act providing for the creation of the county of Howard, out of portions of Polk, Pike, Sevier and Montgomery counties

Mr. White gave notice of the introduction of a bill to be entitled an act to relieve all sheriffs and collectors who have received school and county taxes for 1872 in the scrip of the state. prior their receiving notice of the decision of the supreme court, declaring the receiving of said scrip for such taxes illegal.

Mr. Shipperen gave notice of the introduction of a bill to be entitled An act exempting the household furniture in all private residences in this state from taxation.

Also a bill to be entitled An act protecting all persons in this state in their right from unreasonable searches and seizures.

Mr. McGehee gave notice of the introduction of a bill to be entitled An act to create and form another county from portions of Jefferson, Lincoln, Bradley and Dallas counties

Under a suspension of the rules for that purpose.

Mr. Pridall from the Committee on County and Probate Courts, to whom was referred the bill of the House (H. R. 171) entitled An act to regu

late the salaries of the county and probate judge, county attorney; and associate justice of the county court of Arkansas county reported the same with the recommendation that the bill be amended as follows:—

1st. The title of the amended bill to read as follows, viz, an act to regulate the salaries of county and probate judges of the counties of Arkansas and Drew and the salaries of county attorney and associate justices of the county courts of Arkansas county.

2nd. On line two section one after word "Arkansas" add the words "and Drew"

3rd. On line three of section one insert counties for county.

4th. After the words "dollars" of fifth line of section one insert the word "each."

The report of the committee was adopted, and the amendments were accordingly agreed to.

And,

On motion of Mr. Pindall,

Ordered, That the bill be engrossed for a third reading and be made special order for 11 o'clock, A.M., of Saturday, March 8, 1873.

Also, from the same committee to whom was referred the bill of the House (H.R. 92) entitled An act regulating county courts and restraining the abuse of the authority thereof, reported the same and recommended that the bill be amended by striking out sections 11 and 12, and that the two succeeding sections be renumbered 11 and 12 in their order.

On motion of Mr. Pindall,

Ordered, That the bill lie on the table subject to the call of the House.

Also, from the same committee, to whom was referred the bill of the House (H.R. 214) entitled An act to compensate sheriffs, reported the same with the recommendation that the bill be not passed,

Under a suspension of the rules for that purpose.

Mr. Joslyn introduced a joint resolution (H.J.R. Res. 17) a joint resolution to authorize the destruction of cancelled Treasurer's certificates

on the treasury.

Which was read a first time.

By unanimous consent,

Under a suspension of the rules,

The joint resolution was read a second time by title, and

On motion of Mr. Hailey

Ordered. That the joint resolution be engrossed for a third reading and made special order for 11 o'clock and 30 minutes A. M., on the morrow.

Under a suspension of the rules for that purpose.

On motion of Mr. Chaplin.

The House passed to the order of business of reports of standing committees.

When

Mr. Chaplin from the Committee on Public Expenditures, to whom was referred the bill of the Senate (S. 90) entitled An act for the relief of the state guards and for other purposes, reported the same with the recommendation that the adjutant general be required to make out an itemized account, and show what amount is necessary to pay off said militia and what is still due them for such services, and recommended that said amount be appropriated in the general appropriation bill also, that the committee do not feel warranted in recommending unlimited appropriation, under any circumstances, such as the above entitled bill provides for.

On motion of Mr. Miller

The report of the committee was adopted.

Also, from the Committee on Counties and County Lines, to whom was referred the bill of the House H. R. 219 entitled An act to change the boundary line between the counties of Lawrence and Randolph, reported the same and recommended its passage.

Also, from the same Committee, to whom was referred the bill of the Senate (S. 35) entitled An act to create the county of Clayton and for other purposes, reported the same

and recommended that the bill be amended as follows:—

That section one be amended to read as follows,

Beginning at the northwest corner of section six township twenty one north, range three east of the fifth principal meridian on the boundary line of the state of Arkansas and the state of Missouri, thence north to the south-west corner of section nineteen township nineteen north, of range three east thence east to the main channel of the St. Francis river thence up the main channel of the St. Francis river to the state line between Arkansas and Missouri the northern boundary line of the state of Arkansas,

Second That section two be stricken out of said bill and the following be substituted therefor

Section II, That all that portion of Randolph county lying within the following boundaries to-wit;

Beginning at the south-west corner of section nineteen in township nineteen north of range three east, thence east to the south west corner of section thirty-one in township eighteen north range three east, thence east along the township line dividing township seventeen and eighteen north, of range three east to the present county line of Greene county thence along the present county line between the counties of Randolph and Greene to the south west corner of section twenty-four in township nineteen north of range four east, thence west to the place of beginning heand the same is hereby annexed to and shall become a portion of Greene county,

The report of the committee was adopted and the amendments are accordingly agreed to.

Mr. Warwick, from the Committee of Ways and Means, introduced a bill (H. R. 232) entitled An act to supply annual deficits in the revenue of the state and submitted the following report of that committee thereon, which was read, viz:—

Mr. Speaker; Your Committee of Ways and Means have had under consideration the financial condition of the state,

Your committee find that the matured interest coupons on the bonds of this state, up to and including the July interest of 1873, amount to $533,000; that there is a deficiency in the treasury to meet this of $217,000; that this deficiency grows out of the fact that under the law first enacted authorizing the issue of treasurer's warrants which are receivable in payment of taxes levied for the sinking fund, your committee further find that there is a deficiency in the general fund of the state appropriations about $650,000—and this from the fact that the expenditures of the state have been greater than the taxes levied.

Your committee herewith report a bill to authorize the issuance of $2,000,000 deficiency bonds: and a majority of the committee recommend its passage. Messrs. Cate and Brunn not concurring.

The bill was read a first time,

Mr. Corbell moved that the rules be suspended and that the bill be read a second time by title.

Mr. Neal Brunn moved that the bill be rejected.

Which was not agreed to.

The question then recurring on the motion that the rules be suspended.

It was agreed to (two-thirds of the members present voting therefor)

Before the bill was read.

The hour of 11 o'clock A. M. having arrived, being the hour set for the consideration of the bill (S. R. 66) entitled An act to change the boundary of Woodruff, Monroe and Prairie counties.

On motion of Mr. Sumpter,

Ordered, That the special order be postponed until 12 o'clock M.

Mr. Nutt, at 11 o'clock and 5 minutes A. M, moved that the House adjourn.

Which was not agreed to,

Mr. Shepperson moved that the rules be suspended and that the House resume the con-

sideration of the bill of the House (H. R. 232) entitled An act to supply casual deficits in the revenue of the state.

Which was not agreed to (two thirds of the members present not voting therefor).

Mr. Marshall moved that the rules be suspended and that he be allowed to introduce a bill.

Which was not agreed to (two-thirds of the members present not voting therefor.)

Under a suspension of the rules for that purpose.

On motion of Mr. Monroe Hawkins,

The House passed to the consideration of the bill of the House (H. R. 178) entitled An act to amend an act entitled An act to regulate the practice in the matter of exemption of property from execution on final process.

And,

On motion of Mr. Monroe Hawkins,

Ordered That the bill be engrossed for a third reading and be made special order for 11 o'clock and 30 minutes A.M. of Thursday March 6, 1873.

Under a suspension of the rules for that purpose,

The House passed to the consideration of the bill of the Senate (S. 86) entitled An act to prohibit the sale of indent spirits to minors.

Which was read a third time.

After debate,

On motion of Mr. Miller,

Ordered, That the bill lie on the table subject to the call of the House.

The hour of 12 o'clock M. having arrived,

The House proceeded to consider its special order set for that hour being the consideration of the bill of the House (H. R. 66) entitled An act to change the boundary lines of Woodruff, Monroe and Prairie counties.

Which was read a third time.

Pending the reading of the bill,

Mr. Robinson, moved that the reading be dispensed with and that the further

consideration of the bill be indefinitely postponed.

Mr. J. H. Graham asked for the yeas and nays.

The question being put, Shall the further consideration of the bill be indefinitely postponed?

It was decided in the negative,—yeas 12, nays 39.

The yeas and nays being demanded by five members.

Those who voted in the affirmative are:—

Messrs.

Bell,
Fox,
Gist,
Gyzeau,
Hawkins, Mason,
Johnson, Adam,

Those who voted in the negative are;—

Messrs.

Miller,
Rankins,
Robinson,
Sawyer,
Wamick,
Williams,

Messrs.

Berry, J. H.,
Brown, Neal,
Bridenthal,
Chapline,
Copeland,
Chandler,
Crowley,
Gate,
Crain,
Eagle,
Fimbrush,
Garrett,
Hynds,
Harley,
Johnson, J. A.,
Joyner,
Kingston,
Lee,
Lynn,
Memphy, Mr.,

Messrs.

McVeigh,
Matheny,
Mitchell,
Preston,
Pindall,
Reid,
Robertson,
Shrigley
Shrock,
Stephenson,
Shepherson,
Strong,
Symthpeter,
Thomason,
Thompson,
White,
Walker,
Wright
The Speaker,

So the House refused to indefinitely postpone the bill.

The bill being read.
By unanimous consent,
Ordered That the bill be placed upon its passage.
The question being put, Shall the bill pass?
It was decided in the affirmative, — yeas 34, nays 9, not voting 19,
Those who voted in the affirmative are;—

Messrs.

Berry, C. E
Berry, J. H.
Brown, Chas. A.
Bridenthal,
Chaplin,
Corbett,
Cox,
Chandler,
Chapman,
Crowley,
Cate,
Erwin,
Eagle,
Fleto,
Gist,
Gilbreath,
Grazett,
Grissom,
Hamblin, Mercer
Hynds,
Hanley,
Johnson, J. H.
Joyner,
Kingston,
Kent,
Lynn,
Memphy, J. H.,
Memphy, Wm.
Mac Lord,
Millen,
McVeigh,
Matheny,
Mitchell,
Preston,
Pindall,
Reid,
Robertson,
Sarber,
Shipley,
Shepard,
Spears,
Stephenson,
Shepperson
Stump,
Sumpter
Turner,
Thorn,
Thomason,
Thornburg,
White,
Walker,
Williams,
Wright,
The Speaker

Those who voted in the negative are;

Messrs.

Brown, Neal
Fox,
Hamblin, A. H.
Hearn's
Inlyn

Messrs.

Johnson, Adam
Osborne
Yancick
Yeat

Those absent or not voting are:-

Messrs.

Beardsley,
Beasley,
Blenkhard,
Copeland,
Cunningham,
Davis,
Fairbush,
Hendricks, O.L.
Lee,
Latta.

So the bill was passed,

Mr. Bort at 1 o'clock and 2 minutes P.M. moved that the House adjourn.

Which was not agreed to,

Under a suspension of the rules for that purpose,

On motion of Mr. Bort,

The House passed to the consideration of the bill of the House (No. R. 232) entitled An Act to apply by casual deficits in the revenue of the state,

Which was read a second time,

On motion of Mr. Snyder,

Ordered That one hundred and fifty copies be printed for the use of the House, and that the bill be referred to the select committee appointed to report such measures as will reduce the expenses and improve the financial condition of the state.

Mr. Miller moved that the House pass to the consideration of the joint resolution of the Senate (S.J.R. Res 9) a joint resolution requesting the Governor to declare martial law in the county of Pope.

Mr. Fairbush obtained the floor for the purpose of debate,

When,

The Speaker ruled that debate was not in order,

Messrs.

Marshall,
Mechlchee,
Merritt,
Munn,
Page,
Parish,
Rankins,
Stewart,
Tillar.

Mr. Purbush appealed from the decision of the chair.

The question being put, Shall the decision of the chair be sustained?

It was decided in the affirmative.

So the decision of the chair was sustained.

The question that the House pass to the consideration of the joint resolution was then disagreed to,

Mr. J. M. Berry moved that the House adjourn,

Before the question was put,

Mr. Miller gave notice that he would move to reconsider the vote just taken by which the House refused to pass to the consideration of the joint resolution of the Senate (S. Jr. Res. 9) a joint resolution requesting the Governor to declare martial law in the county of Pope,

The question then being on the motion that the House adjourn,

It was agreed to,

And,

The House accordingly, at 10 o'clock and 21 minutes P. M. adjourned.

Approved

Speaker.

Attest

Clerk.

Wednesday, March 5, 1873.

The roll being called it appeared that the following named members were present, and answered to their names, viz:-

Messrs. A. E. Berry, J. M. Berry, Neal Brown, Chas. F. Bunn, Bridgethal, Cornell, Cort, Cabell, Chandler, Chapman, Crowley, Cate, Erwin, Eagle, Fix, Purbush, Foster, Gist, Gilbreath, Hazlett, Grissom, A. M. Gray, Guss, Hoover, Hawkins, Hall, Hoyuds, Hailey, Jordan, Adam Johnson, J. M. Johnson, Joyner, Kingston, Kent, Lee, Lyon, Latta, Mc. Murphy, McLeod, Moffree, Merritt, McNeight, Matheny, Page, Pindall, Rankin, Reid

Robertson, Robinson, Sarber, Shurley, Shappard, Speas, Stephenson, Shepherson, Stang, Stewart, Sumner, Thomason, Thornburg, White, Wheat, Walker, McCleary, Wright, The Speaker.

Prayer by the Chaplain.

The journal of Tuesday was read and approved.

Mr. Robinson moved that the rules be suspended, for the purpose of allowing him to move that the vote be reconsidered by which the House agreed to the passage of the bill of the House (H. R. 66) entitled An act to change the boundary lines of Monroe, Monroe and Prairie counties.

Which motion was not agreed to (two-thirds of the members present not voting therefor)

Mr. Dunbar moved that the rules be suspended and that the House pass to the consideration of the order of business of motions, resolutions and notices, and the introduction of bills.

Which was not agreed to (two-thirds of the members present not voting therefor)

Mr. Reid moved that the rules be suspended and that the House pass to the consideration of the bill of the Senate (S. 86) entitled An act to prohibit the sale of ardent spirits to minors,

Which was not agreed to (two-thirds of the members present not voting therefor).

Mr. Coit from the Committee on Enrolled Bills reported correctly engrossed the bill of the House (H. R. 89) entitled An act to regulate the sale of wines, spirituous, mixed or malt liquors within this state,

Also, the bill of the House (H. R. 228) entitled An act to amend an act giving all labor a lien upon the production of their labor until the same is paid, approved July 23, 1868,

Mr. Shappard moved that the rules be suspended for the purpose of allowing the chairman of the Committee on County and Probate Courts to report county bills,

Which was not agreed to (two-thirds of the members present not voting therefor).

The House proceeded, under the regular order of business, to consider the bill of the Senate (S. 86) entitled An act to prohibit the sale of accent spirits to minors.

Which was read a third time and placed upon its passage.

The question being put, Shall the bill pass?

It was decided in the affirmative, — yeas 64, nays none, not voting 18.

Those who voted in the affirmative are:—

Messrs.

Berry, C. E.
Berry, J. H.
Bishop, Neal,
Breidenthal,
Burt,
Canfield,
Chandler,
Chapman,
Crosby,
Cate,
Erwin,
Eagle,
Fox,
Fairbank,
Foster,
Fyfe,
Gilbreath,
Gossett,
Gregory,
Hawkins, A. H.
Hawkins, Marion
Hays,
Hynds,
Harley,
Ingalls,
Ithamer, Adgate
Ithamer, A. H.
Joyner,
Kerr,
Kingston,
Latta,
Memphis, J. H.
Memphis, Wm.
MacLeod,
Mackenzie,
Merritt,
McClellan,
McCaig,
McCaffery,
Page,
Pugsley,
Reid,
Robertson,
Robinson,
Sayles,
Shankland,
Spears,
Stephenson,
Shepherson,
Strong,
Sumpter,
Stewart,
Turner,
Thomas,
Thompson,
Tuttle,
White,
Wheat,
Walker,

Messrs. Kent, Lee, Lynn, Nine voting in the negative. Three absent or not voting are;

Messrs. Williams, Wright, The Speaker,

Messrs. Bazeley, Bynum, Ind. D. Beasley, Chaplin, Corbell, Eberhart, Cunningham, Dare, Hartsog, O.S.

Messrs. Marshall, Mitchell, Nixon, Pruett, Parrish, Rankin, Shipley, Tilton, Warwick.

So the bill was passed.

A message from the Senate by Mes. Orrick their Secretary, viz:-

Senate Chamber, March 4, 1873.

Mr. Speaker; I am instructed by the Senate to inform your honorable body of the passage by the Senate (S. B. No 101) entitled An bill to be entitled an act relating to and authorizing certain proceedings of the Board of Trustees of the Arkansas Industrial University and herewith transmit the same for your favorable consideration.

I am also instructed by the Senate to inform your honorable body of the passage by the Senate of (S. B. No 81) entitled An Act to encourage immigration to the state of Arkansas and herewith transmit the same for your favorable consideration together with a petition from many citizens requesting its passage.

On motion of Mr. Fox

The House proceeded to consider the bill of the House (H. R 89) entitled An act to regulate the sale of wines, spirituous, mixed or malt liquors within this state,

Which was read a third time.

After debate,
Mr. Charles F. Brown moved that the bill be indefinitely postponed,
Which was not agreed to.
After further debate,
By unanimous consent,
Ordered, That the bill be placed upon its passage
The question being put, Shall the bill pass?
It was decided in the negative, yeas 28, nays 36, not voting 5
Those who voted in the affirmative are:-

Messrs.

Berry, C. C.
Chapline,
Corbell,
Copeland,
Chapman,
Crowley,
Cole,
Fox,
Fitz,
Garrett,
Graham,
Jarvis,
Kingston,
Kent.

Messrs.

Lee,
Latta,
Murphy, J. M.
McKee,
Paige,
Robinson,
Sarber,
Shrigley,
Spaid,
Stephenson,
Stacy,
Stewart,
Tanner,
Warwick

Those who voted in the negative are:

Messrs.

Berry, J. M.
Brown, Neal
Brown, Chas. F.
Brideuthal,
Chandler,
Ervin
Eagle,
Fobes,
Gilmath
Hawkins, A. M.
Harris,
Hynds,
Hanley,
Jarvis,
Johnson, Adam.

Messrs.

McGehee,
Merritt,
Matheny,
Pinckard,
Rankin,
Robertson,
Shapard,
Sumpter,
Thorn,
Thornton,
Tillar,
Trombly,
White,
Wheat,
Wicker.

Messrs. Lynn, Murphy, Mac, McLeod

Messrs. Williams, Wright, The Speaker.

There about or not voting are:—

Messrs. Beazley, Beazley, Cleveland, Cort, Cunningham, Dale, Eyrbush, Harkins, C.S. Harkins, Thomas

Messrs. Johnson, J. H., Marshall, McVeigh, Mitchell, Nixon, Preston, Rajah, Reid, Shepherson.

So the bill was not passed.

Pending the vote,

Mr. Grissom rose to explain his vote recently cast to the clerk's desk the following explanation of his vote, viz:—

Mr. Speaker:— Because I am opposed to the use of intoxicating beverages, knowing that the sale and use of the same are filling our jails and penitentiaries, and burying many women and children to penury and wretchedness, and because I believe the use of such beverages destroys man's usefulness, and endangers his salvation hereafter. I vote against the bill and desire this my protest against the same to be entered on the journal of the House.

The vote was then announced as above.

The hour of 11 o'clock and 30 minutes A.M. having arrived,

The House proceeded to consider the special order set for that hour being the consideration of the joint resolution of the House (H.J. Res. 87) a joint resolution to authorize the destruction of cancelled Treasurer's Certificates in the Treasury.